

GOVERNMENT OF PAKISTAN
MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS
(Law Division)



A COLLECTION OF
THE
FEDERAL ACTS, ORDINANCES,
PRESIDENT'S ORDERS AND
REGULATIONS

FOR THE YEAR
1978

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PART I

Acts, Ordinances, President's Orders and Regulations, including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN
MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS
(Law Division)

Islamabad, the 4th January, 1978

No. F. 24 (I)/78-Pub.—The following Ordinance made by the President on the 4th January, 1978 is hereby published for general information:—

ORDINANCE No. I of 1978

THE WITHDRAWAL OF REMISSION OF SENTENCES (REPEAL) ORDINANCE, 1978.

An Ordinance to repeal the Withdrawal of Remission of Sentences Act, 1976 (Act XX of 1976);

WHEREAS it is expedient to repeal the Withdrawal of Remission of Sentences Act, 1976 (Act XX of 1976);

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (CMLA Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. **Short title, extent and commencement.**—(1) This Ordinance may be called the Withdrawal of Remission of Sentences (Repeal) Ordinance, 1978.
- (2) It extends to the whole of Pakistan.
- (3) It shall come into force at once.

2. **Repeal.**—The Withdrawal of Remission of Sentences Act, 1976 (Act XX of 1976), is hereby repealed and shall be deemed to have been so repealed on the twenty sixth day of April, 1976.

FAZAL ELAHI CHAUDHRY,
President.

C. A. RAHMAN,
Additional Secretary.

(5)

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PART I

Acts, Ordinances, President's Orders and Regulations, including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 5th January, 1978

No. F. 24 (1)78-Pub.—The following Ordinance made by the President on the 4th January, 1978 is hereby published for general information :—

ORDINANCE No. II of 1978

AN

ORDINANCE

to amend the Finance Act, 1977

WHEREAS it is expedient to amend the Finance Act, 1977 (XXX of 1977), for the purpose hereinafter appearing ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Finance (Amendment) Ordinance, 1978.

(2) It shall come into force at once and shall be deemed to have taken effect on the first day of July, 1977.

(7)

Price : Ps. 19

2. Amendment of Act XXX of 1977.—In the Finance Act, 1977 (XXX of 1977), in the First Schedule, for Part III the following shall be substituted, namely :—

“PART III

(See section 4)

RATES OF SURCHARGE

- (a) In the case of every company. 10 per cent of the income-tax and super-tax payable on total income as reduced by so much of the income as has been retained for the purpose of capitalization or for meeting working capital requirement :

Provided that, if the income so retained is distributed in any subsequent year, the surcharge shall be payable on the income so distributed at the same rates in that year.

- (b) In the case of every other person. 10 percent of the income-tax and super-tax.

- (c) In the case of every person deriving income from the business of manufacture, purchase or sale of jewellery, including gold, silver, precious metals, stones and ornaments or other articles made thereof :

In addition to any sum payable under clause (a) or (b), a further sum equal to 6 per cent of such income.”

Provided that the surcharge shall not be payable by any person (not being a company) whose total income does not exceed Rs. 12,000.

FAZAL ELAHI CHAUDHRY,
President.

MIR MOHAMMAD ALI,
Draftsman and Additional Secretary.

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 5th January, 1978

No. F. 24 (1)/78-Pub.—The following Ordinance made by the President on the 4th January, 1978 is hereby published for general information :—

ORDINANCE No. III of 1978

AN

ORDINANCE

further to amend the Banking Companies Ordinance, 1962.

WHEREAS it is expedient further to amend the Banking Companies Ordinance, 1962, (LVII of 1962), for the purposes hereinafter appearing ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

Now, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (CMLA Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Banking Companies (Amendment) Ordinance, 1978.

(2) It shall come into force at once.

2. Amendment of section 13, Ordinance LVII of 1962.—In the Banking Companies Ordinance, 1962 (LVII of 1962), hereinafter referred to as the said Ordinance, in section 13,—

(a) in sub-section (1), in clause (b),—

(i) for the words “it has paid-up capital” the words “the aggregate of its paid-up capital and unencumbered general reserves is” shall be substituted ; and

(ii) for the figure “1977” the figure “1980” shall be substituted ;

(b) in sub-section (2), in the proviso, for the words “minimum paid-up capital” the words “the aggregate value of its paid-up capital and unencumbered general reserves” shall be substituted ; and

(c) in sub-section (6), after the word “capital”, the words “and unencumbered general reserves” shall be inserted.

3. Amendment of sections 22, 29 and 30, Ordinance LVII of 1962.—In the said Ordinance, in section 22, sub-section (3) of section 29 and sub-section (2) of section 30, for the word “Friday”, wherever occurring, the word “Thursday” shall be substituted and shall be deemed to have been so substituted on the first day of July, 1977.

FAZAL ELAHI CHAUDHRY,

President.

MIR MOHAMMAD ALI,

Draftsman and Additional Secretary.

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EXTRAORDINARY
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ISLAMABAD, TUESDAY, JANUARY 17, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS
(Law Division)

Islamabad, the 17th January, 1978

No. F. 24 (2)/78.—The following Order made by the President on the 16th January, 1978 is hereby published for general information :—

THE HOLDERS OF REPRESENTATIVE OFFICES (PUNISHMENT FOR MISCONDUCT) (AMENDMENT) ORDER, 1978.

PRESIDENT'S (POST-PROCLAMATION) ORDER No. 1 OF 1978

In pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (CMLA Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order :—

1. **Short title and commencement.**—(1) This Order may be called the Holders of Representative Offices (Punishment for Misconduct) (Amendment) Order, 1978.

(2) It shall come into force at once.

2. **Amendment of Article 2, P. (P.P.) O. No. 16 of 1977.**—In the Holders of Representative Offices (Punishment for Misconduct) Order, 1977 [President's (P.P.) Order No. 16 of 1977], hereinafter referred to as the said Order, in Article 2,—

(a) in paragraph (a), in sub-paragraph (ii),—

(i) after the word and comma "Attorney-General," the words and commas "Special Assistant to the Prime Minister, Adviser to the Prime Minister," shall be inserted ;

(13)

Price : Ps. 19

- (ii) after the word and comma "Advocate-General," the words and commas "Special Assistant to a Chief Minister, Adviser to a Chief Minister," shall be inserted; and
- (iii) the word "and" at the end shall be omitted; and
- (b) after paragraph (a), amended as aforesaid, the following new paragraphs shall be inserted, namely:—
 - "(aa) 'rigging of election' includes any act or thing done or action taken by any person, either directly or through any other person, so that an election is not conducted honestly, justly, fairly and in accordance with law or to influence the result of an election to a House of Parliament or a Provincial Assembly in a fraudulent, underhand or illegal manner;
 - (aaa) 'scheduled offence' means an offence specified in the Schedule; and"

3. Amendment of Article 3, P. (P.P.) O. No. 16 of 1977.—In the said Order, in Article 3,—

- (a) in clause (2),—
 - (i) in paragraph (f), for the full stop at the end the comma and word "or" shall be substituted; and
 - (ii) after paragraph (f) amended as aforesaid, the following new paragraph shall be added, namely:—
 - "(g) if he commits rigging of election."; and
- (b) in clause (4), after the words "convicted for", the words "a scheduled offence or" shall be inserted.

4. Amendment of Article 4, P. (P.P.) O. No. 16 of 1977.—In the said Order, in Article 4, in clause (1), for the words "offences punishable under this Order" the words and figure "scheduled offences committed by holders of representative offices and offences punishable under Article 3" shall be substituted.

5. Amendment of Article 5, P. (P.P.) O. No. 16 of 1977.—In the said Order, in Article 5,—

- (a) in clause (1), after the word and comma "force," the words "a scheduled offence committed by a holder of representative office and" shall be inserted; and
- (b) in clause (2), for the words and figure "punishable under Article 3" the words "triable by it" shall be substituted.

6. Amendment of Article 6, P. (P.P.) O. No. 16 of 1977.—In the said Order, in Article 6,—

- (a) in clause (1),—
 - (i) after the words "Special Court", the words "may pass any sentence authorised by law and" shall be inserted; and
 - (ii) for the words "court of session" the words "High Court" shall be substituted;

(b) for clause (3) the following shall be substituted, namely :—

“(3) No trial before a Special Court shall be adjourned for any purpose unless the Special Court is of opinion that the adjournment is necessary in the interests of justice and, in particular, no trial shall be adjourned by reason of the absence of any accused person due to illness, or if the absence of the accused or his counsel has been brought about by the accused person himself, or if the behaviour of the accused person prior to such absence has been, in the opinion of the Special Court, such as to impede the course of justice but, in any such case, the Special Court shall proceed with the trial after taking necessary steps to appoint an advocate to defend any such accused person.”; and

(c) after clause (5), the following new clause shall be added, namely :—

“(6) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), when a person is accused of more offences than one, he may be charged with, and tried at one trial, for any number of them, irrespective of the kind of such offences or of the time at which, or the person in respect of whom, any of them may have been committed.

(7) When any person charged before a Special Court with an offence triable under this Order is found guilty of the offence, the Special Court shall, notwithstanding anything contained in any other law, whether or not it imposes a sentence of imprisonment, impose a sentence of fine which shall not be less than the gain found to have been derived by the accused, or the loss which might have been caused to Government, by the commission of the offence.”.

7. Amendment of Article 7, P. (P.P.) O. No. 16 of 1977.—In the said Order, in Article 7, after the words “charged with”, the words “a scheduled offence or” shall be inserted.

8. Insertion of new Article 7A, P. (P.P.) O. No. 16 of 1977.—In the said Order, after Article 7, amended as aforesaid, the following new Article shall be inserted, namely :—

“7A. *Public Prosecutor.*—The Federal Government may appoint one or more Special Public Prosecutors to conduct the prosecution in a case triable by a Special Court and every such Special Public Prosecutor shall be deemed to be a Public Prosecutor for the purposes of the Code of Criminal Procedure, 1898 (Act V of 1898).”.

9. Addition of new Article 10, P. (P.P.) O. No. 16 of 1977.—In the said Order, after Article 9, the following new Article shall be added, namely :—

“10. *Power to amend the Schedule.*—The Federal Government may, by notification in the official Gazette, omit any entry from, or add any entry to, the Schedule.”.

10. **Addition of Schedule, P. (P.P.) O. No. 16 of 1977.**—In the said Order, after Article 10, added as aforesaid, the following Schedule shall be added, namely :—

“THE SCHEDULE

[See Articles 2 and 10]

1. Offences punishable under sections 403 to 406, 417 to 420, 465 to 468, 471 and 477A of the Pakistan Penal Code (Act XLV of 1860), and as attempts, abetments and conspiracies in relation thereto or connected therewith.
2. Offences punishable under the Income-tax Act, 1922 (XI of 1922).
3. Offences punishable under the Official Secrets Act, 1923 (XIX of 1923).
4. Offences punishable under the Foreign Exchange Regulation Act, 1947 (VII of 1947).
5. Offences punishable under the Estate Duty Act, 1950 (X of 1950).
6. Offences punishable under the Gift-tax Act, 1963 (XIV of 1963).
7. Offences punishable under the Wealth-tax Act, 1963 (XV of 1963).
8. Offences punishable under the Pakistan Arms Ordinance, 1965 (W.P. Ordinance No. XX of 1965).
9. Offences punishable under the Customs Act, 1969 (IV of 1969).
10. Offences punishable under the Land Reforms Regulation, 1972.
11. Offences punishable under sections 82, 83, 86, 87, 88 and 89 of the Representation of the People Act, 1976 (LXXXV of 1976).
12. Offences punishable under the Land Reforms Act, 1977 (II of 1977).
13. Offences punishable under Martial Law Regulation No. 21, 1977.”

FAZAL ELAHI CHAUDHRY,
President.

MIR MOHAMMAD ALI,
Draftsman and Additional Secretary.

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EXTRAORDINARY
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ISLAMABAD, SATURDAY, JANUARY 28, 1978

PART I

Acts, Ordinances, President's Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 28th January, 1978

No. F. 24 (1)/78-Pub.—The following Ordinance made by the President on the 25th January, 1978 is hereby published for general information :—

ORDINANCE No. IV of 1978.

AN

ORDINANCE

further to amend the Compulsory Service in the Armed Forces Ordinance, 1971

WHEREAS it is expedient further to amend the Compulsory Service in the Armed Forces Ordinance, 1971 (XXXI of 1971), for the purpose hereinafter appearing ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. **Short title and commencement.**—(1) This Ordinance may be called the Compulsory Service in the Armed Forces (Amendment) Ordinance, 1978.

(21)

Price : Ps. 9

[201 Ex. Gaz.]

(2) It shall come into force at once and shall be deemed to have taken effect on the third day of December, 1971.

2. **Insertion of new section 9A, Ordinance XXXI of 1971.**—In the Compulsory Service in the Armed Forces Ordinance, 1971 (XXXI of 1971), after section 9, the following new section shall be inserted, namely :—

“9A. *Concessions to medical practitioner released from service with the Armed Forces.*—Notwithstanding anything contained in any other law for the time being in force, a medical practitioner who, following his release from service with the Armed Forces after having rendered satisfactory service under this Ordinance for a period of not less than two years, enters employment of the Federal Government or a Provincial Government shall be entitled to count towards his seniority in such employment the period of service rendered by him under this Ordinance and to his pay in such employment being fixed after giving him credit for the service so rendered.

Explanation.—In this section, “medical practitioner” has the same meaning as in section 3.”

FAZAL ELAHI CHAUDHRY,

President.

C. A. RAHMAN,

Additional Secretary.

The Gazette of Pakistan

EXTRAORDINARY

PUBLISHED BY AUTHORITY

ISLAMABAD, THURSDAY, FEBRUARY 2, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 2nd February, 1978

No. F. 24 (1)/78-Pub.—The following Ordinance made by the President on the 31st January, 1978 is hereby published for general information:—

ORDINANCE No. V of 1978

AN

ORDINANCE

further to amend the Equity Participation Fund Ordinance, 1970

WHEREAS it is expedient further to amend the Equity Participation Fund Ordinance, 1970 (I of 1970), for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

Now, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement.—(1) This Ordinance may be called the Equity Participation Fund (Amendment) Ordinance, 1978.

(23)

Price : Ps. 9

(2) It shall come into force at once.

2. **Amendment of preamble, Ordinance I of 1970.**—In the Equity Participation Fund Ordinance, 1970 (I of 1970), hereinafter referred to as the said Ordinance, in the preamble, for the words “the less developed areas of Pakistan” the words “in the less developed areas of Pakistan and certain other areas” shall be substituted.

3. **Amendment of section 1, Ordinance I of 1970.**—In the said Ordinance, in section 1, in sub-section (2), after the word “Pakistan” at the end, the words “and also applies to the business of the Fund transacted outside Pakistan and the persons conducting such business” shall be added.

4. **Amendment of section 14, Ordinance I of 1970.**—In the said Ordinance, in section 14, in sub-section (1), in clause (a), after the word “Pakistan”, the words “or in areas outside Pakistan” shall be inserted.

FAZAL ELAHI CHAUDHRY,
President.

MIR MOHAMMAD ALI,
Draftsman and Additional Secretary.

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EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, WEDNESDAY, FEBRUARY 22, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 22nd February, 1978

No. F. 24 (I)/78-Pub.—The following Ordinance made by the President on the 6th February, 1978 is hereby published for general information :—

ORDINANCE No. VI of 1978

AN

ORDINANCE

to implement the international agreement for the establishment and operation of the Islamic Development Bank and for matters connected therewith.

WHEREAS Pakistan is a signatory to the Agreement establishing the Islamic Development Bank and thereby became a member of the said Bank ;

AND WHEREAS it is expedient to make provision for the implementation of the international agreement for the establishment and operation of the aforesaid Bank and for carrying out the obligations of Pakistan as a member of the said Bank and for matters connected therewith ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Islamic Development Bank Ordinance, 1978.

(33)

Price : Ps. 19

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once and shall be deemed to have taken effect on the twenty-third day of April, 1975.

2. Definitions.—In this Ordinance, unless there is anything repugnant in the subject or context,—

(a) “Agreement” means the Agreement for the establishment and operation of the international body known as the Islamic Development Bank;

(b) “Article” means Article of the Agreement; and

(c) “Bank” means the Islamic Development Bank established under the Agreement.

3. Financial provisions.—(1) There shall be paid out of the Federal Consolidated Fund all such sums as may, from time to time, be required for the purpose of paying—

(a) the subscription payable by the Federal Government to the Bank under paragraphs 1, 2, 3, 4 and 5 of Article 5; and

(b) any other sums payable by the Federal Government to the Bank under the Agreement.

(2) Any sums received by or on behalf of the Federal Government from the Bank shall be paid into the Federal Consolidated Fund.

4. State Bank to be depository of the Bank.—The State Bank of Pakistan shall be the depository of the Pakistan currency holdings and other assets of the Bank located in Pakistan.

5. Certain provisions of the Agreement to have force of law.—(1) Notwithstanding anything to the contrary contained in any other law, the provisions of the Agreement set out in the Schedule shall have the force of law in Pakistan:

Provided that nothing in Article 59 of the Agreement shall be construed as—

(a) entitling the Bank to import into Pakistan goods free of any duty of customs without any restriction on their subsequent sale therein, or

(b) conferring on the Bank an exemption from duties or taxes which form part of the prices of goods sold or which are in fact no more than charges for services rendered.

(2) The Federal Government may, by notification in the official Gazette, amend the Schedule in conformity with any amendments, which may hereafter be duly made and adopted, of the provisions of the Agreement set out therein.

6. Power to make rules.—The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

THE SCHEDULE

(See section 5)

Provisions of the Agreement which shall have the force of law

CHAPTER VII

STATUS, IMMUNITIES, EXEMPTIONS AND PRIVILEGES

ARTICLE 50

Purpose of Chapter

To enable the Bank effectively to fulfil its purpose and carry out the functions entrusted to it, the status, immunities, exemptions and privileges set forth in this Chapter shall be accorded to the Bank in the territory of each member.

ARTICLE 51

Legal Status

The Bank shall be an independent international institution possessing full juridical personality and, in particular, full capacity—

- (i) to contract;
- (ii) to acquire and dispose of immovable and movable property; and
- (iii) to institute legal proceedings.

ARTICLE 52

Immunity from Judicial Proceedings

1. The Bank shall enjoy immunity from every legal process except in cases arising out of or in connection with the exercise of its powers to raise money, or to buy and sell or underwrite the sale of securities, in which cases actions may be brought against the Bank in a court of competent jurisdiction in the territory of a country in which the Bank has its principal or a branch office, or has appointed, an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities.

2. Notwithstanding the provisions of paragraph 1 of this Article, no action shall be brought against the Bank by any member, or by any agency or instrumentality of a member, or by an entity or person directly or indirectly acting for or deriving claims from a member. Members shall have recourse to such special procedures for the settlement of controversies between the Bank and its members as may be prescribed in this Agreement, in the By-Laws and Regulations of the Bank, or in contracts entered into with the Bank.

3. Property and assets of the Bank shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Bank.

ARTICLE 53

Immunity of Assets

Property and assets of the Bank, wheresoever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of taking or foreclosure by administrative or legislative action.

ARTICLE 54

Immunity of Archives

The archives of the Bank and, in general, all documents belonging to it, or held by it, shall be inviolable wherever located.

ARTICLE 56

Freedom of Assets from Restrictions

To the extent necessary to carry out the purpose and functions of the Bank effectively, and subject to the provisions of this Agreement, all property and assets of the Bank shall be free from restrictions, regulations, controls and moratoria of any nature.

ARTICLE 57

Privilege for Communications

The official communications of the Bank shall be accorded by each member treatment which is not less favourable than that accorded by it to any other international organisation.

ARTICLE 58

Immunities and Privileges of Bank Personnel

All Governors, Alternates, Executive Directors, the President, officers and employees of the Bank—

- (i) shall be immune from legal process with respect to acts performed by them in their official capacity ;
- (ii) where they are not local citizens or nationals, shall be accorded the same immunities from immigration restrictions, alien registration requirements and national service obligations, and the same facilities as regards exchange regulations, as are accorded by members to the representatives, officials and employees of comparable rank of other members ; and
- (iii) shall be granted the same treatment in respect of travelling facilities as accorded by members to representatives, officials and employees of comparable rank of other members.

ARTICLE 59

Exemption from Taxation

1. The Bank, its assets, property, income and its operations and transactions shall be exempt from all taxation and from all customs duties. The Bank shall also be exempt from any obligation for the payment, withholding or collection of any tax or duty.

2. No tax shall be levied on or in respect of salaries and emoluments paid by the Bank to the President, the Executive Directors, officers or employees of the Bank.

3. No tax shall be levied on any security issued by the Bank, including any dividend thereon, by whomsoever held—

- (i) which discriminates against such security solely because it is issued by the Bank ; or
- (ii) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Bank.

4. No tax of any kind shall be levied on any security guaranteed by the Bank, including any dividend thereon, by whomsoever held—

- (i) which discriminates against such security solely because it is guaranteed by the Bank ; or
- (ii) if the sole jurisdictional basis for such taxation is the location of any office or place of business maintained by the Bank.

ARTICLE 61

Waiver of Immunities, Exemptions and Privileges

The Bank, at its discretion, may waive any of the privileges, immunities and exemptions conferred under this Chapter in any case or instance, in such manner and upon such conditions as it may determine to be appropriate in its best interest.

FAZAL ELAHI CHAUDHRY,
President.

K. M. A. SAMDANI,
Secretary.

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, THURSDAY, FEBRUARY 23, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations.

GOVERNMENT OF PAKISTAN
MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS
(Law Division)

Islamabad, the 23rd February, 1978

No. F. 24 (1)/78-Pub.—The following Ordinance made by the President on the 19th February, 1978 is hereby published for general information:—

ORDINANCE No. VII of 1978

AN

ORDINANCE

to amend the Transfer of Railways Order, 1962

WHEREAS it is expedient to amend the Transfer of Railways Order, 1962 (P.O. No. 33 of 1962), for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (CMLA Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement.—(1) This Ordinance may be called the Transfer of Railways (Amendment) Ordinance, 1978.

(2) It shall come into force on such day as the Federal Government may, by notification in the official Gazette, appoint.

2. Amendment of Article 2, P.O. No. 33 of 1962.—In the Transfer of Railways Order, 1962 (P.O. No. 33 of 1962), hereinafter referred to as the said Order, in Article 2, in paragraph (a), for the words "a Provincial Railway Board" the words "the Railway Board" shall be substituted.

(37)

Price : Ps. 9

3. **Substitution of Article 3, P. O. No. 33 of 1962.**—In the said Order, for Article 3 the following shall be substituted, namely :—

“3. *Constitution of Railway Board.*—(1) For the management of the Railways in Pakistan, there shall be a Railway Board consisting of five members, including the Chairman, to be appointed by the Federal Government.

(2) Out of the members mentioned in clause (1),—

(a) one shall be an officer having experience in Public Finance Administration, to be called the Finance Member ; and

(b) at least one shall belong to the Transportation (Traffic) and Commercial Department, one to the Civil Engineering Department and one to the Motive (Power) and Mechanical Engineering Department of the Railways.

(3) The Chairman of the Railway Board shall be appointed from amongst the officers mentioned in sub-clause (b) of clause (2).

(4) The terms and conditions of service of the Chairman and other members of the Board shall be such as may, from time to time, be determined by the President.

(5) The Chairman of the Board shall be the Chief Executive Officer of the Railway Administration.

(6) The Board may delegate to any of its members such of its powers as it may deem fit.

(7) To assist the Board in the discharge of its functions, there shall be a Secretary and such other officers and servants as the Board may appoint.”

FAZAL ELAHI CHAUDHRY,
President.

K. M. A. SAMDANI,
Secretary.

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, SUNDAY, MARCH 5, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 5th March, 1978

No. F. 24 (1)/78-Pub.—The following Ordinance made by the President on the 28th February, 1978 is hereby published for general information:—

ORDINANCE No. VIII of 1978

AN

ORDINANCE

further to amend the Provincial Motor Vehicles Ordinance, 1965

WHEREAS it is expedient further to amend the Provincial Motor Vehicles Ordinance, 1965 (W.P. Ordinance No. XIX of 1965), for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (CMLA Order

(47)

Price : Ps. 25

[347 Ex. Gaz.]

No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. **Short title, extent and commencement.**—(1) This Ordinance may be called the Provincial Motor Vehicles (Amendment) Ordinance, 1978.

(2) It extends to the whole of Pakistan, except—

- (a) section 9, which shall apply only to the Punjab, Baluchistan and the North-West Frontier Province; and
- (b) section 12, which shall apply only to Baluchistan and the North-West Frontier Province.

(3) It shall come into force at once, except section 3, sub-section (2) of section 4, section 6 and section 13 which shall come into force on such day as the Federal Government may, by notification in the official Gazette, appoint.

2. **Amendment of section 2, W. P. Ordinance No. XIX of 1965.**—In the Provincial Motor Vehicles Ordinance, 1965 (W. P. Ordinance No. XIX of 1965), hereinafter referred to as the said Ordinance, in section 2,—

- (a) in clause (23), after the word “attached”, the comma and words “, a tractor” shall be inserted; and
- (b) in clause (42), the words “other than a locomotive or tractor used solely for agricultural purposes” shall be omitted.

3. **Amendment of section 3, W. P. Ordinance No. XIX of 1965.**—In the said Ordinance, section 3 shall be re-numbered as sub-section (1) of that section and, after sub-section (1) re-numbered as aforesaid, the following new sub-section shall be added, namely :—

- “(2) No person shall drive a motor vehicle in any public place unless he has in his possession his own copy of the most recent version of the Pakistan Highway Code published by the Federal Government.”.

4. **Amendment of section 7, W. P. Ordinance No. XIX of 1965.**—In the said Ordinance, in section 7,—

(1) in sub-section (4),—

- (a) for the words “as a paid employee and every application for a licence to drive a transport vehicle” the words “a motor vehicle” shall be substituted; and
- (b) for the words and figure “a Class I Officer of Government” the words and figure “an officer of Government not inferior in rank to an officer in Grade 17 of the National Pay Scales” shall be substituted; and

(2) after sub-section (9), the following new sub-section shall be added, namely :—

“(10) No licence shall be issued to any applicant unless he has in his possession his own copy of the most recent version of the Pakistan Highway Code published by the Federal Government.”.

5. Amendment of section 8, W.P. Ordinance No. XIX of 1965.—In the said Ordinance, in section 8, in sub-section (1), the commas and words “, in the case of a licence to drive as a paid employee or to drive a transport vehicle,” shall be omitted.

6. Amendment of section 12, W.P. Ordinance No. XIX of 1965.—In the said Ordinance, in section 12, in sub-section (1), for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely :—

“Provided that no licence shall be renewed unless the holder thereof has in his possession his own copy of the most recent version of the Pakistan Highway Code published by the Federal Government.”.

7. Amendment of section 16, W.P. Ordinance No. XIX of 1965.—In the said Ordinance, in section 16, after sub-section (1), the following new sub-section shall be inserted, namely :—

“(1A) If a licensing authority is satisfied, after giving him an opportunity of being heard, that in respect of any person an order under sub-section (1) of this section, or a declaration under sub-section (1) of section 18, has been made on more than one occasion, it may, for reasons to be recorded in writing, make an order cancelling the licence granted to that person and disqualifying him for holding or obtaining a licence for such period as it may deem fit.”.

8. Amendment of section 23, W.P. Ordinance No. XIX of 1965.—In the said Ordinance, in section 23, in sub-section (1), for the words “public place or in any other place for the purpose of carrying passengers or goods” the word “place” shall be substituted.

9. Amendment of section 25, W.P. Ordinance No. XIX of 1965.—In the said Ordinance, in section 25, in sub-section (4), after the word “before”, the words “or after” shall be inserted.

10. Insertion of new section 32A, W.P. Ordinance No. XIX of 1965.—In the said Ordinance, after section 32, the following new section shall be inserted, namely :—

“32A. *Cancellation of certificate of registration of vehicles registered in the Tribal Areas of Baluchistan in certain cases.*—If the owner of a motor vehicle registered by a registering authority having jurisdiction

in the Tribal Areas of the Province of Baluchistan ceases to reside or to have his place of business in those Areas, or sells or otherwise transfers the motor vehicle to any person who does not reside or have his place of business in those Areas, the certificate of registration and registration mark of the vehicle shall stand cancelled as from the day on which he ceases to reside or to have his place of business in those Areas or, as the case may be, sells or otherwise transfers the vehicle to such person.”.

11. Amendment of section 67, W.P. Ordinance No. XIX of 1965.—In the said Ordinance, for section 67 the following shall be substituted, namely :—

“67. *Compensation for the death of, or injury to, a passenger.*—(1) In the case of death of, or injury to, a passenger in a stage carriage or a contract carriage, other than a contract carriage constructed, adapted or used to carry not more than six passengers including the driver, arising out of the use of such carriage, there shall be paid, if a permit has been granted in respect of that carriage, by the holder of the permit, and, if no permit has been so granted, by the owner of the carriage, as compensation the amount specified in the Thirteenth Schedule,—

(a) in the case of death of a passenger, to the legal representatives of the deceased passenger; and

(b) in the case of an injury to a passenger, to the injured passenger.

(2) The compensation payable under sub-section (1) shall be in addition to any sum which the person entitled to receive compensation may receive or be eligible to receive under a policy of insurance under the provisions of section 95 of the Motor Vehicles Act, 1939 (IV of 1939).

(3) Any contract for the conveyance of a passenger in a stage carriage or contract carriage, other than a contract carriage constructed, adapted or used to carry not more than six passengers including the driver, in respect of which a permit has been issued under this Chapter, shall, so far as it purports to restrict the liability of any person, or to absolve any person from his liability, in respect of any claim made against that person in respect of the death of, or injury to, the passenger who is being carried in, entering or alighting from the vehicle, or purports to impose any conditions with respect to the enforcement of any such liability, be void.”.

12. Amendment of section 70, W.P. Ordinance No. XIX of 1965.—In the said Ordinance, in section 70, after sub-section (7), the following new sub-section shall be inserted, namely :—

“(7A) A person employed for the purposes of an organization established under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).”.

13. Insertion of new section 89A, W. P. Ordinance No. XIX of 1965.—In the said Ordinance, after section 89, the following new section shall be inserted, namely :—

“89A. *Rider to wear helmet.*—No person shall drive, or ride the pillion seat of, a two-wheeled motor vehicle except when he is wearing a crash helmet.

Explanation.—In this section, “crash helmet” means a helmet made of such material and meeting such other requirements as may be prescribed.”

14. Insertion of new section 111A, W. P. Ordinance No. XIX of 1965.—In the said Ordinance, after section 111, the following new section shall be inserted, namely :—

“111A. *Penalty for contravention of rules relating to appliances.*—Whoever carries in any motor vehicle any appliance the carrying of which is prohibited by rules made under section 74 shall be punished with fine which may extend to five hundred rupees and such appliance shall be forfeited to Government.”

15. Amendment of the First Schedule, W. P. Ordinance No. XIX of 1965.—In the said Ordinance, in the First Schedule,—

(a) in FORM A, in SECTION II, after entry 4, the following new entry shall be inserted, namely :—

“4A. Identity Card number—————”; and

(b) in FORM C, after the word “Photograph”, the words “if necessary” shall be omitted.

16. Amendment of the Sixth Schedule, W. P. Ordinance No. XIX of 1965.—In the said Ordinance, in the Sixth Schedule,—

(a) for the entry “Hazara” in the first column and the entry relating thereto in the second column the following shall be substituted, namely :—

“Abbottabad	..	..	..	..	AD.
Mansehra	..	..	..	..	MA.
Kohistan	..	..	..	..	KH.”;

(b) for the entry “Loralai” in the first column and the entry relating thereto in the second column the following shall be substituted, namely :—

“Loralai (Tribal Area) ..	..	..	LI (T).
Loralai (other Area) ..	..	..	LI.”;

(c) for the entry “Zhob” in the first column and the entry relating thereto in the second column the following shall be substituted, namely :—

“Zhob ..	..	..	ZB(T).”;
----------	----	----	----------

(d) for the entry “Chagai” in the first column and the entry relating thereto in the second column the following shall be substituted, namely :—

“Chagai (Tribal Area) ..	..	..	CI (T).
Chagai (other Area) ..	..	..	CI.”.

17. Substitution of the Eighth Schedule, W. P. Ordinance No. XIX of 1965.—In the said Ordinance, for the Eighth Schedule the following shall be substituted, namely :—

"THE EIGHTH SCHEDULE"

(See section 75)

LIMITS OF SPEED FOR MOTOR VEHICLES

Class of vehicles	Maximum speed in kilometers per hour
1. Passenger vehicles, that is to say, vehicles constructed solely for the carriage of passengers and their effects—	
(a) if all the wheels are fitted with pneumatic tyres and the vehicle is not drawing a trailer—	
(i) if the vehicle is a motor car	95
(ii) if the vehicle is a motor cycle	70
(iii) if the vehicle is a motor cab	80
(iv) if the vehicle is a public service vehicle, other than motor cab, capable of carrying not more than 14 passengers excluding driver	70
(v) if the vehicle is a public service vehicle capable of carrying more than 14 passengers excluding driver ..	65
(b) if the vehicle, being motor car or motor cab, is drawing a two-wheeled trailer of a laden weight not exceeding 800 kilograms, and if all the wheels of the vehicle are fitted with pneumatic tyres	50
(c) any other vehicle, including rickshaw and an invalid carriage	30
2. Goods vehicles, that is to say, vehicles constructed or adapted for use or used for the conveyance of goods—	
(a) if all the wheels are fitted with pneumatic tyres and the vehicle is a delivery van and is not drawing a trailer ..	80
(b) if all the wheels are fitted with pneumatic tyres and the registered laden weight of the vehicle does not exceed 10200 kilograms and the vehicle is not drawing a trailer ..	50
(c) in any other case	25
3. Tractors—	
(a) if drawing not more than one trailer and all the wheels of the tractor and trailer are fitted with pneumatic tyres ..	25
(b) in any other case	10
4. Locomotives, whether drawing a trailer or not	10"

18. Substitution of the Thirteenth Schedule, W.P. Ordinance No. XIX of 1965.—

In the said Ordinance, for the Thirteenth Schedule the following shall be substituted, namely :—

"THE THIRTEENTH SCHEDULE"

(See sections 50, 53 and 67)

Scale of compensation payable on death of or injury to a passenger in a stage carriage or contract carriage.

Death or Injury							Amount of Com- pensation
							Rs.
1.	Death	..	..	..	..	..	16,000
2.	Loss of right arm above or at the elbow	..	..	..	..	..	5,000
3.	Loss of left arm above or at the elbow	..	..	..	..	..	4,000
4.	Loss of right arm below the elbow	..	..	..	..	..	4,000
5.	Loss of leg at or above the knee	..	..	..	..	..	5,000
6.	Loss of left arm below the elbow	..	..	..	..	..	3,600
7.	Loss of leg below the knee	..	..	..	..	..	5,000
8.	Loss of both legs	..	..	..	..	..	10,000
9.	Permanent Loss of hearing	..	..	..	..	..	5,000
10.	Loss of one eye	..	..	..	..	..	6,000
11.	Loss of both eyes	..	..	..	..	..	10,000
12.	Loss of thumb	..	..	..	..	..	3,200
13.	Loss of all toes of one foot	..	..	..	..	..	4,000
14.	Loss of index finger	..	..	..	..	..	3,200
15.	Loss of great toe	..	..	..	..	..	3,000
16.	Loss of any finger other than index finger	..	..	..	..	..	3,000
17.	Permanent disfiguration of the face or head	..	..	..	..	..	4,000
18.	Fracture or dislocation of a bone	..	..	..	..	..	3,000
19.	Emasculation	..	..	..	..	..	4,000
20.	Loss of one or more teeth	..	..	..	..	..	1,000
21.	Any injury which endangers life or which causes the sufferer to be, during the space of twenty days, severe bodily pain, or renders him unable to follow his ordinary pursuits	..	..	..	..	..	2,000
22.	Medical expenses for an injury not specified in this Schedule.						Actual expenses certified by the Medical Office.

N.B.—Maximum compensation payable for more than one injury shall be limited to Rs. 10,000."

FAZAL ELAHI CHAUDHRY,
President.

K. M. A. SAMDANI,
Secretary.

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, TUESDAY, MARCH 14, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law Orders
and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS
(Law Division)

Islamabad, the 14th March, 1978

No. F. 24 (2)/78-Pub.—The following Order made by the President on the 14th March, 1978, is hereby published for general information :—

PRESIDENT'S (POST-PROCLAMATION) ORDER No. 2 of 1978

In pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (CMLA Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order :—

1. Short title, extent and commencement.—(1) This Order may be called the Abandoned Properties (Management) (Continuance in Force) Order, 1978.

(2) It extends to the whole of Pakistan.

(3) It shall come into force on the fifteenth day of March, 1978.

2. Continuance in force of Act XX of 1975.—Notwithstanding anything contained in the Constitution, the Abandoned Properties (Management) Act, 1975 (XX of 1975), shall continue in force and may be amended or repealed by a Federal law as if it related to a matter enumerated in the Federal Legislative List in the Fourth Schedule to the Constitution.

FAZAL ELAHI CHAUDHRY,
President.

MIR MOHAMMAD ALI,
Draftsman and Additional Secretary.

(55)

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The Gazette of India



GOVERNMENT OF INDIA

MINISTRY OF DEFENCE

NOTIFICATION

IN

THE DEFENCE (GENERAL) REGULATIONS, 1955

AND

THE DEFENCE (GENERAL) REGULATIONS, 1955

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THE DEFENCE (GENERAL) REGULATIONS, 1955

[Signature]

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, SATURDAY, MARCH 18, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 18th March, 1978

No. F. 24 (1)/78-Pub.—The following Ordinances made by the President on the 14th March, 1978 is hereby published for general information:—

ORDINANCE No. IX OF 1978

AN

ORDINANCE

further to amend the Service Tribunals Act, 1973

WHEREAS it is expedient further to amend the Service Tribunals Act, 1973 (LXX of 1973), for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (CMLA Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. **Short title and commencement.**—(1) This Ordinance may be called the Service Tribunals (Amendment) Ordinance, 1978.

(2) It shall come into force at once.

(59)

Price : Ps. 19

2. Amendment of section 3, Act LXX of 1973.—In the Service Tribunals Act, 1973 (LXX of 1973), hereinafter referred to as the said Act, in section 3, in sub-section (3), for clause (b) the following shall be substituted, namely :—

“(b) such number of members not exceeding three, each of whom is a person who possesses such qualifications as may be prescribed by rules, as the President may from time to time appoint.”

3. Insertion of new section 3A, Act LXX of 1973.—In the said Act, after section 3, amended as aforesaid, the following new section shall be inserted, namely :—

“**3A. Benches of the Tribunal.**—(1) The powers and functions of a Tribunal may be exercised or performed by Benches consisting of not less than two members of the Tribunal, including the Chairman, constituted by the Chairman.

(2) If the members of a Bench differ in opinion as to the decision to be given on any point,—

(a) the point shall be decided according to the opinion of the majority ;

(b) if the members are equally divided and the Chairman of the Tribunal is not himself a member of the Bench, the case shall be referred to the Chairman and the decision of the Tribunal shall be expressed in terms of the opinion of the Chairman ; and

(c) if the members are equally divided and the Chairman of the Tribunal is himself a member of the Bench, the opinion of the Chairman shall prevail and the decision of the Tribunal shall be expressed in terms of the opinion of the Chairman”.

4. Amendment of section 8, Act LXX of 1973.—In the said Act, in section 8, in sub-section (2), in clause (a), after the word “Tribunal” at the end, the words “or a Bench thereof” shall be inserted.

ORDINANCE No. X OF 1978

AN

ORDINANCE

further to amend the Emigration Act, 1922

WHEREAS it is expedient further to amend the Emigration Act, 1922 (VII of 1922) for the purpose hereinafter appearing ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C. M. L. A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Emigration (Amendment) Ordinance, 1978.

(2) It shall come into force at once.

2. **Amendment of section 25, Act VII of 1922.**—In the Emigration Act, 1922 (VII of 1922), in section 25, in sub-section (1), for the words "fine which may extend to fifty rupees" the words "imprisonment for a term which may extend to five years and with fine" shall be substituted.

ORDINANCE No. XI of 1978

AN

ORDINANCE

further to amend the Pakistan Citizenship Act, 1951

WHEREAS it is expedient further to amend the Pakistan Citizenship Act, 1951 (II of 1951), for the purpose hereinafter appearing ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C. M. L. A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. **Short title and commencement.**—(1) This Ordinance may be called the Pakistan Citizenship (Amendment) Ordinance, 1978.

(2) It shall come into force at once.

2. **Insertion of new section 16A, Act II of 1951.**—In the Pakistan Citizenship Act, 1951 (II of 1951), after section 16, the following new section shall be inserted, namely :—

"16A. *Certain persons to lose and others to retain citizenship.*—(1) All persons who, at any time before the sixteenth day of December, 1971, were citizens of Pakistan domiciled in the territories which before the said day constituted the Province of East Pakistan and who—

- (i) were residing in those territories on that day and are residing therein since that day voluntarily or otherwise shall cease to be citizens of Pakistan ;
- (ii) were residing in Pakistan on that day but after that day voluntarily migrated to those territories shall cease to be citizens of Pakistan ;
- (iii) were residing in Pakistan on that day and are voluntarily residing therein since that day shall continue to be citizens of Pakistan ;
- (iv) were residing in those territories on that day but voluntarily came to Pakistan after that day with the approval of the Federal Government shall continue to be citizens of Pakistan :

Provided that any persons referred to in clause (i) whose repatriation to Pakistan has been agreed to by the Federal Government and who have not been so repatriated before the commencement of Pakistan Citizenship (Amendment) Ordinance, 1978, shall continue to be citizens of Pakistan.

- (2) Any person who, at any time before the sixteenth day of December, 1971, was a citizen of Pakistan domiciled in the territories which before the said day constituted the Province of East Pakistan and who, being under the protection of a Pakistan passport, was on that day, or is, residing in any country beyond those territories shall not be deemed to be a citizen of Pakistan unless, upon an application made by him to the Federal Government in this behalf, the Federal Government has granted him a certificate that at the date of the certificate he is a citizen of Pakistan."

FAZAL ELAHI CHAUDHRY,

President.

K. M. A. SAMDANI,

Secretary.

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, SUNDAY, MARCH 19, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS
(Law Division)

Islamabad, the 19th March, 1978

No. F. 24 (1)/78-Pub.—The following Ordinance made by the President on the 16th March, 1978 is hereby published for general information:—

ORDINANCE No. XII OF 1978

AN

ORDINANCE

further to amend the Civil Servants Act, 1973

WHEREAS it is expedient further to amend the Civil Servants Act, 1973 (LXXI of 1973), for the purpose hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (CMLA Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. **Short title and commencement.**—(1) This Ordinance may be called the Civil Servants (Amendment) Ordinance, 1978.

(2) It shall come into force at once.

(65)

2. Insertion of new section 12A, Act LXXI of 1973.—In the Civil Servants Act, 1973 (LXXI of 1973), after section 12, the following new section shall be inserted, namely :—

“12A. *Certain persons to be liable to removal or reversion.*—Notwithstanding anything contained in his terms and conditions of service, a civil servant appointed or promoted during the period from the first day of January, 1972 to the fifth day of July, 1977, may be removed from service or reverted to his lower post or grade, as the case may be, without notice, by the President or a person authorised by him in this behalf, on such date as the President or, as the case may be, the person so authorised may, in the public interest, direct.”

ORDINANCE No. XIII OF 1978

AN

ORDINANCE

to invest the President with certain powers in respect of persons in Corporation service.

WHEREAS it is expedient to invest the President with certain powers in respect of persons in Corporation service ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (CMLA Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Corporation Employees (Special Powers) Ordinance, 1978.

(2) It shall come into force at once.

2. Definitions.—In this Ordinance, unless there is anything repugnant in the subject or context, “person in Corporation service” means every person who is in the employment of a corporation or an institution set up, established, managed or controlled by the Federal Government, and includes the Chairman and the Managing Director of, and the holder of any other office in, such corporation or institution.

3. Certain persons to be liable to removal or reversion.—Notwithstanding anything contained in any law for the time being in force, or in the terms and conditions of service, a person in corporation service appointed or promoted during the period from the first day of January, 1972, to the fifth day of July, 1977, may be removed from service, or reverted to his lower post or grade, as the case may be, without notice, by the President, or a person authorised by him in this behalf, on such date as the President, or as the case may be, the person so authorised may, in the public interest, direct.

4. Representation.—A person who is removed from service or reverted to a lower post or grade under section 3 may, within fifteen days from the date of receipt of order of removal or reversion prefer a representation to the President :

Provided that, where the order of removal or reversion has been made by the President, such person may, within the time aforesaid, submit to the President a petition for review of the order.

5. Service of corporation to be service of Pakistan, etc.—Service of a corporation is hereby declared to be service of Pakistan and every person in corporation service who is removed from service, or reverted to a lower post or grade, under this Ordinance, not being a person who is on deputation to a corporation from any Province, shall be deemed to be a civil servant for the purposes of the Service Tribunals Act, 1973 (LXX of 1973).

FAZAL ELAHI CHAUDHRY,

President.

K. M. A. SAMDANI,

Secretary.

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, MONDAY, MARCH 20, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS
(Law Division)

Islamabad, the 20th March, 1978

No. F. 24 (2)/78-Pub.—The following Order made by the President on the 13th March, 1978 is hereby published for general information:—

THE PAKISTAN (AUDIT AND ACCOUNTS) (AMENDMENT) ORDER, 1978.

PRESIDENT'S (POST-PROCLAMATION) ORDER No. 3 of 1978

In pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order:—

1. **Short title and commencement.**—(1) This Order may be called the Pakistan (Audit and Accounts) (Amendment) Order, 1978.

(2) It shall come into force at once and shall be deemed to have taken effect on the fifth day of December, 1977..

2. **Amendment of Article 4, P.O. No. 21 of 1973.**—In the Pakistan (Audit and Accounts) Order, 1973 (P.O. No. 21 of 1973), hereinafter referred to as the said Order, in Article 4, in clause (1), for the word "fifty-eight" the word "sixty" and for the word "four" the word "five" shall be substituted.

3. **Amendment of Article 6, P.O. No. 21 of 1973.**—In the said Order in Article 6,—

(a) for clause (1) the following shall be substituted, namely:—

"(1) A person who, immediately before his appointment as Auditor-General, was in the service of Pakistan may be granted leave

(69)

Price : Ps. 9

during, or immediately after the termination of, his tenure of office, but not beyond the date of his attaining the age of sixty years, in accordance with the rules for the time being applicable to the service to which, at the date of his appointment as Auditor-General, he belonged." ; and

- (b) in clause (1A), for the word "retired from service" the words "ceased to hold office" shall be substituted.

FAZAL ELAHI CHAUDHRY,
President.

K. M. A. SAMDANI,
Secretary.

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, SUNDAY, MARCH 26, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law Orders and Regulations.

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS
(Law Division)

Islamabad, the 26th March, 1978

No. F. 24 (2)/78-Pub.—The following Order made by the President on the 20th March, 1978 is hereby published for general information :—

THE ZULFIKAR ALI BHUTTO TRUST AND PEOPLES FOUNDATION TRUST (RE-NAMING AND ADMINISTRATION) ORDER, 1978

PRESIDENT'S ORDER No. 4 OF 1978

In pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order :—

1. **Short title and commencement.**—(1) This Order may be called the Zulfikar Ali Bhutto Trust and Peoples Foundation Trust (Re-naming and Administration) Order, 1978.

(2) It shall come into force at once.

2. **Order to over-ride other laws, etc.**—This Order shall have effect notwithstanding anything contained in any other law for the time being in force or in Zulfikar Ali Bhutto Trust Deed of the sixth day of November, 1973, or the Peoples Foundation Trust Deed of the ninth day of August, 1974.

3. **Re-naming, etc., of Zulfikar Ali Bhutto Trust.**—(1) The Zulfikar Ali Bhutto Trust shall be known as the "Sheikh Zayed Bin Sultan Alnahyan Trust" and the Deed of the said Trust dated the sixth day of November, 1973, shall stand amended accordingly.

(2) All the powers and functions of the Board of Trustees of the aforesaid Trust and of the Board of Directors of every institution connected therewith shall

(73)

Price : Ps. 19

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the National Development Finance Corporation (Amendment) Ordinance, 1978.

(2) It shall come into force at once.

2. Amendment of section 1, Act XIII of 1973.—In the National Development Finance Corporation Act, 1973 (XIII of 1973), hereinafter referred to as the said Act, in section 1, in sub-section (2), after the word "Pakistan" at the end, the words "and also applies to the business of the Corporation transacted outside Pakistan and the persons conducting such business" shall be added.

3. Amendment of section 2, Act XIII of 1973.—In the said Act, in section 2, for the word "Ordinance" the word "Act" shall be substituted.

4. Amendment of section 4, Act XIII of 1973.—In the said Act, in section 4, in sub-section (3), after the words "increase the", the words "authorised share capital and" shall be inserted.

5. Amendment of section 6, Act XIII of 1973.—In the said Act, in section 6, in sub-section (1), for the word "to" the word "do" shall be substituted.

6. Amendment of section 15, Act XIII of 1973.—In the said Act, in section 15, in clause (f), after the word "institutions", the commas and words ", or with the approval of the Federal Government with banks or lending agencies outside Pakistan," shall be inserted.

7. Amendment of section 17, Act XIII of 1973.—In the said Act, in section 17, for clause (b) the following shall be substituted, namely :—

"(b) undertakings which are wholly or partly owned by any of the undertakings referred to in clause (a); and"

8. Amendment of section 18, Act XIII of 1973.—In the said Act, in section 18,—

(a) for sub-section (1) the following shall be substituted, namely :—

"(1) The Corporation may borrow from the Federal Government and, with the prior approval of the Federal Government, also from the State Bank of Pakistan or any other lending agencies or institutions." ; and

(b) in sub-section (5), for the word "Bank" the word "Corporation" shall be substituted.

FAZAL ELAHI CHAUDHRY,
President.

K. M. A. SAMDANI,
Secretary.

The Gazette of Pakistan

EXTRAORDINARY
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ISLAMABAD, THURSDAY, APRIL 6, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 6th April, 1978

No. F. 24 (2)/78-Pub.—The following order made by the President on the 4th April, 1978 is hereby published for general information:—

THE BALUCHISTAN AND SIND (HIGH COURTS) (AMENDMENT)
ORDER, 1978.

PRESIDENT'S ORDER No. 6 OF 1978

In pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (CMLA Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order:—

1. Short title and commencement.—(1) This Order may be called the Baluchistan and Sind (High Courts) (Amendment) Order, 1978.

(2) It shall come into force at once.

2. Amendment of Article 3, P.O. No. 6 of 1976.—In the Baluchistan and Sind (High Courts) Order, 1976 (P.O. No. 6 of 1976), Article 3 shall be re-numbered as clause (1) of that Article and, after clause (1) re-numbered as aforesaid, the following new clauses shall be added, namely:—

“(2) The Chief Justice of the High Court of Baluchistan may, if the circumstances so justify, establish a Circuit Court or Courts consisting of such Judge or Judges of the High Court as may be nominated by him from time to time.

(3) The Chief Justice shall have power to determine what cases or classes of cases shall be disposed of by the Judge or Judges nominated to a Circuit Court and the place or places, other than the principal seat of the High Court, where a Circuit Court shall hold sittings.”

FAZAL ELAHI CHAUDHRY,
President.

K. M. A. SAMDANI,
Secretary.

(81)

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EXTRAORDINARY
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ISLAMABAD, SATURDAY, APRIL 8, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 8th April, 1978

No. 24 (1) 78-Pub.—The following Ordinance made by the President is hereby published for general information:—

ORDINANCE No. XV of 1978

AN

ORDINANCE

further to amend the Industrial Relations Ordinance, 1969

WHEREAS it is expedient further to amend the Industrial Relations Ordinance, 1969 (XXIII of 1969), for the purpose hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (CMLA Order

(83)

Price : Ps. 9

No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. **Short title, extent and commencement.**—(1) This Ordinance may be called the Industrial Relations (Amendment) Ordinance, 1978.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once and shall be deemed to have taken effect on the sixteenth day of February, 1978.

2. **Amendment of section 1, Ordinance XXIII of 1969.**—In the Industrial Relations Ordinance, 1969 (XXIII of 1969), in section 1, in sub-section (3), after the word “behalf” at the end, the words “or to any person employed by the Pakistan Television Corporation or the Pakistan Broadcasting Corporation” shall be added.

3. **Cancellation of registration of certain trade unions.**—Notwithstanding anything contained in the Industrial Relations Ordinance, 1969 (XXIII of 1969), the registration of, and the certificates of registration issued to, all registered trade unions in all establishments of the Pakistan Television Corporation and the Pakistan Broadcasting Corporation shall stand cancelled.

FAZAL ELAHI CHAUDHRY,
President.

K. M. A. SAMDANI,
Secretary.

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, WEDNESDAY, APRIL 19, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 19th April, 1978

No. F. 24 (2)/78-Pub.—The following Order made by the President on the 17th April, 1978 is hereby published for general information:—

THE ACTING PRESIDENT ORDER, 1978

PRESIDENT'S ORDER NO. 7 OF 1978

In pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (CMLA Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order:—

- 1.—(1) This Order may be called the Acting President Order, 1978.
- (2) It shall come into force at once.
- 2.—(1) If the office of President becomes vacant by reason of death or resignation, the Chief Justice of Pakistan shall act as President until the successor to the President enters upon his office.
- (2) If the President, by reason of absence from Pakistan or any other cause, is unable to perform his functions, the Chief Justice of Pakistan shall perform the functions of President until the President returns to Pakistan or, as the case may be, resumes his functions.
3. Before entering upon the office of President, the Chief Justice of Pakistan shall make before the most senior of the other Judges of the Supreme Court oath in the form set out in the Schedule.

(85)

Price Ps. 9

THE SCHEDULE

[See Article 3]

I, ... do solemnly swear that I am a Muslim and believe in the Unity and Oneness of Almighty Allah, the Books of Allah, the Holy Quran being the last of them, the Prophethood of Muhammad (peace be upon him) as the last of the Prophets and that there can be no Prophet after him, the Day of Judgment, and all the requirements and teachings of the Holy Quran and Sunnah:

That I will bear true faith and allegiance to Pakistan:

That, as President of Pakistan, I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully in accordance with law, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of Pakistan:

That I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan:

That I will not allow my personal interest to influence my official conduct or my official decisions:

That, in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will:

And that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall come known to me as President of Pakistan, except as may be required for the due discharge of my duties as President.

FAZAL ELAHI CHAUDHRY,

President.

K. M. A. SAMDANI,

Secretary.

The Gazette of Pakistan

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ISLAMABAD, WEDNESDAY, APRIL 19, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations.

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 19th April, 1978

No. F. 24 (1)/78-Pub.—The following Ordinance made by the President on the 15th April, 1978 is hereby published for general information :—

ORDINANCE No. XVI of 1978

AN

ORDINANCE

further to amend the Weights and Measures (International System) Act, 1967

WHEREAS it is expedient further to amend the Weights and Measures (International System) Act, 1967 (V of 1967), for the purposes hereinafter appearing :

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. **Short title and commencement.**—(1) This Ordinance may be called the Weights and Measures (International System) (Amendment) Ordinance, 1978.

(2) It shall come into force at once.

(87)

Price : Ps. 19

2. Amendment of section 2, Act V of 1967.—In the Weights and Measures (International System) Act, 1967 (V of 1967), hereinafter referred to as the said Act, in section 2,—

(a) after clause (20), the following new clause shall be inserted, namely :—

“(20A) “standard instrument” means the set of weighing instruments and measuring instruments prepared under section 13;”; and

(b) after clause (25), the following new clause shall be inserted, namely :—

“(25A) “working instrument” means the set of weighing instruments and measuring instruments prepared under section 13A;”.

3. Amendment of section 12, Act V of 1967.—(1) In the said Act, in section 12,—

(a) in sub-section (1),—

(i) for the words “the Federal” the words “each Provincial” shall be substituted;

(ii) for the colon a full stop shall be substituted; and

(iii) the proviso shall be omitted; and

(b) in sub-section (2), after the word “prescribed”, appearing for the first time, the words “by the Provincial Government” shall be inserted.

4. Amendment of section 13, Act V of 1967.—In the said Act, in section 13,—

(a) for sub-section (1) the following shall be substituted, namely :—

“(1) For the purpose of verifying the correctness of the working weighing instruments and working measuring instruments, the Federal Government may cause to be prepared as many sets of standard weighing instruments and standard measuring instruments, to be called the standard instruments, as it may consider expedient, and the correctness of such instruments shall be verified, and the date of such verification shall be marked, in such manner as may be prescribed.”; and

(b) in sub-section (2), the words “or working standards” shall be omitted.

5. Insertion of new section 13A, Act V of 1967.—In the said Act, after section 13, the following new section shall be inserted, namely :—

“13A. *Working weighing and measuring instruments.*—(1) For the purpose of verifying the correctness of the weighing instruments and measuring instruments used in trade or commerce, the Provincial Government may cause to be prepared as many sets of working weighing instruments and working measuring instruments, to be called the working instruments, as it may consider expedient and shall cause each such set to be authenticated as having been verified with the standard weighing instruments and standard measuring instruments.

(2) The working instruments shall be kept at such place, in such custody and in such manner as may be prescribed by the Provincial Government and shall be verified with the standard instruments at such intervals and in such manner as may be prescribed and marked with the date of such verification.

- (3) A working instrument which has not been verified at an interval prescribed therefor shall not, after the expiry of the day closing the interval, be used until it has been verified and marked with the date of verification.”

6. **Amendment of section 14, Act V of 1967.**—In the said Act, in section 14,—

- (a) in sub-section (1), the words “for each Province” shall be omitted ;
and
(b) in sub-section (4), after the word “each”, the words and comma “Deputy Controller, Assistant Controller and” shall be inserted.

7. **Amendment of section 15, Act V of 1967.**—In the said Act, in section 15, for the words and commas “within his jurisdiction and at such time as the Controller may direct, verify a weight, measure, weighing instrument or measuring instrument brought” the words and comma “and at such time as the Controller may direct, verify a working standard or working instrument brought or referred” shall be substituted.

8. **Substitution of section 16, Act V of 1967.**—In the said Act, for section 16 the following shall be substituted, namely :—

“16. *Power to inspect and verify working standards and working instruments.*—(1) An Inspector may, after notice to the Provincial Government by the Controller, inspect and verify with a reference standard, secondary standard or standard instrument any working standard or working instrument.

- (2) Where a working standard or working instrument inspected and verified under sub-section (1) is not found to be what it purports to be, the Inspector may detain it under seal and shall inform the Controller of such detention, and the Controller shall refer the matter to the Provincial Government for such action as it thinks necessary.”

9. **Omission of sections 17, 18, 19, 20, 21, 23, 25, 26, 27, 28, 29, 30 and 31, Act V of 1967.**—In the said Act, sections 17, 18, 19, 20, 21, 23, 25, 26, 27, 28, 29, 30 and 31 shall be omitted.

10. **Amendment of section 32, Act V of 1967.**—In the said Act, in section 32, for the words “prescribed manner” the words “manner prescribed by the Provincial Government” shall be substituted.

11. **Omission of sections 33, 35 and 38, Act V of 1967.**—In the said Act, sections 33, 35 and 38 shall be omitted.

12. **Amendment of section 41, Act V of 1967.**—In the said Act, in section 41, in sub-section (2),—

- (a) in clause (b) for the words “working standards” the words “standard instruments” shall be substituted ;
(b) in clause (c), after the words and comma “working standards,” the words and commas “standard instruments, working instruments,” shall be inserted ;
(c) in clause (e), the words “the place at which and the custody and manner in which such standards may be kept” shall be omitted ;

- (d) in clause (i), for the words "weighing instruments and measuring instruments" the words "standard weighing instruments and standard measuring instruments" shall be substituted ;
- (e) clauses (j) and (k) shall be omitted ;
- (f) in clause (l), after the word "Controller", the words and commas "Deputy Controller, Assistant Controller, Inspector and Assistant Inspector" shall be added ;
- (g) in clause (n), for the words and commas "weights, measures, weighing instruments and measuring instruments" the words "working standards and working instruments" shall be substituted ; and
- (h) clauses (o), (p), (q), (r) and (s) shall be omitted.

FAZAL ELAHI CHAUDHRY,
President.

K. M. A. SAMDANI,
Secretary.

The Gazette of Pakistan

EXTRAORDINARY
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ISLAMABAD, THURSDAY, APRIL 20, 1978

PART I

Acts, Ordinances, President's Orders and Regulations, including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS
(Law Division)

Islamabad, the 20th April, 1978

No. F. 24 (1)/78-Pub.—The following Ordinances made by the President on the 17th April, 1978 are hereby published for general information :—

ORDINANCE No. XVII of 1978

AN

ORDINANCE

further to amend the Banks (Nationalization) Act, 1974.

WHEREAS it is expedient further to amend the Banks (Nationalization) Act, 1974 (XIX of 1974), for the purpose hereinafter appearing ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. **Short title and commencement.**—(1) This Ordinance may be called the Banks (Nationalization) (Amendment) Ordinance, 1978.

(2) It shall come into force at once.

(91)

Price : Ps. 19

2. Insertion of new section 6A, Act XIX of 1974.—In the Banks (Nationalization) Act, 1974 (XIX of 1974), after section 6, the following new section shall be inserted, namely :—

- “**6A. Registration of certain shares.**—(1) Any person who holds any share of a bank the ownership, management and control of which stands transferred to the Federal Government by virtue of section 5 which was bought by him on a recognised Stock Exchange in Pakistan before the first day of January, 1974, but was not registered in his name in the books of the company by that day may make an application for registration to such bank.
- (2) An application under sub-section (1) shall be made within such time and in such manner, and shall be accompanied by such documentary evidence, as may be prescribed.
- (3) The bank to which an application is made may on being satisfied after such scrutiny or verification by such authority as may be prescribed, that the applicant is the holder of the share, register him as such; and a person so registered shall be entitled to receive the compensation provided for in sub-section (1) of section 6.”

ORDINANCE No. XVIII of 1978

AN

ORDINANCE

to amend the Standing Power Rates Advisory Board Order, 1972.

WHEREAS it is expedient to amend the Standing Power Rates Advisory Board Order, 1972 (P. O. No. 18 of 1972);

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (CMLA Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Standing Power Rates Advisory Board (Amendment) Ordinance, 1978.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Amendment of Article 2, P. O. No. 18 of 1972.—In the Standing Power Rates Advisory Board Order, 1972 (P. O. No. 18 of 1972), in Article 2, in clause (1), for paragraph (b) the following shall be substituted, namely :—

“(b) one representative each to be nominated by the Governments of

Baluchistan, the North West Frontier Province, the Punjab and Sind to represent the Chamber of Commerce and Industry of the Province ;

- (bb) two representatives nominated by the Government of the Punjab, of whom one shall be nominated to represent agriculturists and the other to represent domestic consumers ;
- (bbb) one representative nominated by the Government of Sind to represent domestic consumers ;”.

ORDINANCE No. XIX OF 1978

AN

ORDINANCE

to repeal the Baluchistan Constabulary Act, 1975.

WHEREAS it is expedient to repeal the Baluchistan Constabulary Act, 1975 (XLI of 1975) ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. **Short title and commencement.**—(1) This Ordinance may be called the Baluchistan Constabulary (Repeal) Ordinance, 1978.

(2) It shall come into force at once.

2. **Repeal of Act XLI of 1975.**—The Baluchistan Constabulary Act, 1975 (XLI of 1975), is hereby repealed and shall be deemed to have been so repealed on the first day of December, 1977.

ORDINANCE No. XX OF 1978

AN

ORDINANCE

further to amend the Suppression of Terrorist Activities (Special Courts) Act, 1975.

WHEREAS it is expedient further to amend the Suppression of Terrorist Activities (Special Courts) Act, 1975 (XV of 1975), for the purpose hereinafter appearing ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

Now, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (CMLA Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. **Short title and commencement.**—(1) This Ordinance may be called the Suppression of Terrorist Activities (Special Courts) (Amendment) Ordinance, 1978.

2. It shall come into force at once.

2. **Insertion of new section 4A, Act XV of 1975.**—In the Suppression of Terrorist Activities (Special Courts) Act, 1975 (XV of 1975), after section 4, the following new section shall be inserted, namely :—

“ 4A. *Transfer of cases, etc.*—(1) Where two or more Special Courts have jurisdiction wholly or partly in the same territorial limits and the Government constituting the Special Courts or, if one of such Special Court has been constituted by the Federal Government, that Government is satisfied that, for the general convenience of the parties or witnesses or for the ends of justice, it is expedient to do so, such Government may, by notification in the official Gazette, direct that a case or class of cases specified in the notification shall stand transferred from one Special Court to another.

(2) In respect of cases transferred to a Special Court under sub-section (1), such Special Court shall not, by reason of the said transfer, be bound to recall and re-hear any witness who has given evidence in the case before the transfer and may act on the evidence already recorded by or produced before the Special Court which tried the case before the transfer.”

FAZAL ELAHI CHAUDHRY,
President.

K. M. A. SAMDANI,
Secretary.

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, TUESDAY, MAY 9, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 9th May, 1978

No. F. 24 (I)/78-Pub.—The following Ordinance made by the President on the 6th May, 1978 is hereby published for general information:—

ORDINANCE No. XXI OF 1978

AN

ORDINANCE

to amend the Passports Act, 1974

WHEREAS it is expedient to amend the Passport Act, 1974 (XX of 1974), for the purposes hereinafter appearing;

AND WHEREAS the Acting President of Pakistan, performing the functions of President under clause (2) of Article 2 of the Acting President Order, 1978 (P. O. No. 7 of 1978), is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of the powers conferred by clause (2) of Article 2 of the Acting President Order, 1978 (P. O. No. 7 of 1978), and of all other

(97)

Price : Ps. 9

powers enabling him in that behalf, the Acting President of Pakistan, performing the functions of President, is pleased to make and promulgate the following Ordinance:—

1. **Short title and commencement.**—(1) This Ordinance may be called the Passports (Amendment) Ordinance, 1978.

(2) It shall come into force at once.

2. **Amendment of section 2, Act XX of 1974.**—In the Passports Act, 1974 (XX of 1974), hereinafter referred to as the said Act, in section 2, clause (a), after the word "passport", occurring for the second time, the commas and words "including a diplomatic passport and an official passport," shall be inserted.

3. **Amendment of section 6, Act XX of 1974.**—In the said Act, in section 6, in sub-section (1),—

(a) in clause (i), for the colon at the end the semicolon and word "; or" shall be substituted; and

(b) after clause (i) amended as aforesaid, the following new clause shall be added, namely:—

"(j) obtains more than one passport for himself either in the same or different names by concealing the fact of his already being in possession of a passport"

4. **Amendment of section 8, Act XX of 1974.**—In the said Act, in section 8,—

(a) in sub-section (1), after the word "Pakistan", the words "or an officer authorised by the Federal Government in this behalf" shall be inserted; and

(b) after sub-section (4), the following new sub-section shall be added, namely:—

"(5) Any expenditure incurred by the Federal Government on the repatriation to Pakistan of a citizen of Pakistan who gets stranded or becomes a destitute while he is in a foreign country, or for any other reason, shall be recoverable as an arrear of land revenue."

S. ANWARUL HAQ,

Acting President.

K. M. A. SAMDANI,

Secretary.

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, SUNDAY, MAY 28, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 28th May, 1978

No. F. 24 (1)78-Pub.—The following Ordinance made by the President on the 25th May, 1978 is hereby published for general information:—

ORDINANCE No. XXII OF 1978

AN

ORDINANCE

further to amend the Unani, Ayurvedic and Homoeopathic Practitioners Act, 1965.

WHEREAS it is expedient further to amend the Unani Ayurvedic and Homoeopathic Practitioners Act, 1965 (II of 1965), for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. **Short title and commencement.**—(1) This Ordinance may be called the Unani, Ayurvedic and Homoeopathic Practitioners (Amendment) Ordinance, 1978.

(2) It shall come into force at once.

(101)

Price : Ps. 25

2. Amendment of preamble, Act II of 1965.—In the Unani, Ayurvedic and Homoeopathic Practitioners Act, 1965 (II of 1965), hereinafter referred to as the said Act, in the preamble, for the first paragraph the following shall be substituted, namely :—

“WHEREAS it is expedient to promote and popularise the Unani, Ayurvedic and Homoeopathic systems of medicine, to regulate education and research in, and to provide for the registration of practitioners of, those systems of medicine ;”.

3. Amendment of section 2, Act II of 1965.—In the said Act, in section 2,—

(a) after clause (b) the following new clause shall be inserted, namely :—

“(bb) ‘Committee’ means the Committee appointed by the Board ;”;

(b) in clause (c),—

(i) after the word “medicine”, the commas and words “, including the Bio-Chemic system of medicine,” shall be inserted ; and

(ii) after the word “Homoeopathy” at the end, the words “or the Bio-Chemic system of medicine” shall be added ;

(c) after clause (c) amended as aforesaid, the following new clauses shall be inserted, namely :—

“(cc) ‘list’ means the list of Homoeopaths prepared under section 27 as that list existed immediately before the commencement of the Unani, Ayurvedic and Homoeopathic Practitioners (Amendment) Ordinance, 1978, and ‘listed’ shall be construed accordingly ;

(ccc) ‘meeting’ means meeting of the Board ;

(cccc) ‘misconduct’ means conduct contrary to the provisions of this Act, the rules and regulations made under this Act and the Code of Ethics adopted by the Board ;”;

(d) after clause (e), the following new clause shall be inserted, namely :—

“(ee) ‘qualified’ means qualified from any approved or recognised teaching institution imparting instruction in the Unani, Ayurvedic or Homoeopathic system of medicine ;”;

(e) in clause (1), for the full stop at the end a semicolon shall be substituted ; and

(f) after clause (1) amended as aforesaid, the following new clause shall be added, namely :—

“(m) ‘Vice-President’ means Vice-President of the Board .”.

4. Substitution of sections 4 and 5, Act II of 1965.—In the said Act, for sections 4 and 5 the following shall be substituted, namely :—

“4. Composition of the Board of Unani and Ayurvedic systems.—The Board of Unani and Ayurvedic Systems of Medicine shall consist of the following members, namely :—

(a) four members, being qualified and registered practitioners of the Unani system of medicine, to be nominated by the Federal Government after consulting the Provincial Government concerned, of whom one shall be from each Province ;

- (d) eleven qualified members, to be elected from amongst themselves by the registered practitioners of the Unani system of medicine, of whom five shall be from the Punjab, three from Sind, two from the North-West Frontier Province and one from Baluchistan ;
- (c) two members, to be elected from amongst themselves by the teachers of all the recognized institutions of the Unani or Ayurvedic system of medicine ;
- (d) one member, to be elected from amongst themselves by the registered practitioners of the Ayurvedic system of medicine ; and
- (e) four members, to be nominated by the Federal Government, of whom one shall be a scientist.

5. Composition of the Board of Homoeopathic system.—The Board of Homoeopathic System of Medicine shall consist of the following members, namely :—

- (a) four members, being registered Homoeopaths, to be nominated by the Federal Government after consulting the Provincial Government concerned, of whom one shall be from each Province ;
- (b) eleven members, to be elected from amongst themselves by registered and listed Homoeopaths, of whom five shall be from the Punjab, three from Sind, two from the North-West Frontier Province and one from Baluchistan ;
- (c) two members, to be elected from amongst themselves by the teachers of recognised institutions of Homoeopathy ; and
- (d) four members, to be nominated by the Federal Government, of whom one shall be a scientist.”.

5. Amendment of section 6, Act II of 1965.—In the said Act, in section 6,—

- (a) after the word “President”, the words “and Vice-President” shall be inserted ; and
- (b) the proviso shall be omitted. ’

6. Amendment of section 8, Act II of 1965.—In the said Act, in section 8, after the word “President”, the comma and words “, the Vice-President” shall be inserted.

7. Amendment of section 9, Act II of 1965.—In the said Act, in section 9, in sub-section (4),—

- (i) after the words “office of”, the words and comma “President, Vice-President or” shall be inserted ; and
- (ii) after the words “Chapter and the”, the words and comma “President, Vice-President or” shall be inserted.

8. Substitution of section 11, Act II of 1965.—In the said Act, for section 11 the following shall be substituted, namely :—

- “11. *Resignation by President, etc.*—The President, Vice-President or any member may at any time resign his office by a letter addressed to the

Registrar, and such resignation shall take effect from the date it is accepted by the Board.”.

9. **Amendment of section 14, Act II of 1965.**—In the said Act, in section 14,—

- (a) in clause (b), for the word “efficiency” the word “education” shall be substituted; and
- (b) after clause (c), the following new clause shall be inserted, namely :—
 - “(cc) to appoint committees or sub-committees, each having due representation of all the Provinces, for a specific period, to perform any specified function connected with the functions of the Board;”.

10. **Amendment of section 15, Act II of 1965.**—In the said Act, in section 15,—

- (a) for sub-section (2) the following shall be substituted, namely :—
 - “(2) The President and, in his absence, the Vice-President, shall preside at every meeting of the Board and if, at any time, the Vice-President is also absent and the President has given prior permission, a member elected by the members present from amongst themselves shall preside.”;
- (b) in sub-section (4), for the word “Seven” the word “Eight” shall be substituted; and
- (c) in sub-section (5), for the words “President for the time being” the words “person presiding” shall be substituted.

11. **Amendment of section 17, Act II of 1965.**—In the said Act, in section 17, in sub-section (1), after the word “medicine”, the words “according to the courses prescribed by rules” shall be inserted.

12. **Amendment of section 19, Act II of 1965.**—In the said Act, in section 19, in sub-section (2), for the words “courses of study”, twice occurring, the word “education” shall be substituted.

13. **Amendment of section 21, Act II of 1965.**—In the said Act, section 21, shall be re-numbered as sub-section (1) of that section and—

- (a) in sub-section (1) re-numbered as aforesaid,—
 - (i) after the word “institution”, the words “of Unani or Ayurvedic system of medicine” shall be inserted; and
 - (ii) after the word “law” at the end, the following shall be added, namely :—
 - “, preference being given in the case of admission to an institution of Unani system of medicine to a candidate having one or more of the following additional qualifications, namely :—
 - (a) Adeeb.
 - (b) Adeeb Alim.

- (c) Adeeb Fazil.
- (d) Munshi.
- (e) Munshi Alim.
- (f) Munshi Fazil.
- (g) Molvi.
- (h) Molvi Alim.
- (i) Molvi Fazil"; and

(b) after sub-section (1) re-numbered and amended as aforesaid, the following new sub-section shall be added, namely :—

“(2) The minimum qualification required for admission to a recognised institution of Homoeopathy shall be Matriculation or equivalent examination of any University or Education Board in Pakistan established by or under any law but those with Intermediate or higher qualifications shall be preferred.”.

14. **Amendment of section 23, Act II of 1965.**—In the said Act, in section 23,—

- (a) sub-sections (1) and (2) shall be omitted; and
- (b) in sub-section (4), the words “and the length and nature of practice” shall be omitted.

15. **Substitution of section 24, Act II of 1965.**—In the said Act, for section 24 the following shall be substituted, namely :—

“24. *Registration of Unani, Ayurvedic and Homoeopathic practitioners.*—

- (1) Every person who passes the qualifying examination in the Unani, Ayurvedic or Homoeopathic system of medicine from a recognized institution may apply for registration in the respective register.
- (2) Every person who is a registered medical practitioner within the meaning of the Medical Council Ordinance, 1962 (XXXII of 1962), and has taken to the practice of Homoeopathy may apply for registration as Homoeopath.”.

16. **Omission of sections 25, 26 and 27, Act II of 1965.**—In the said Act, sections 25, 26 and 27 shall be omitted.

17. **Amendment of section 28, Act II of 1965.**—In the said Act, in section 28, the words and figure “maintained under section 27” shall be omitted.

18. **Amendment of section 29, Act II of 1965.**—In the said Act, in section 29, the words and figure “maintained under section 27” shall be omitted.

19. **Amendment of section 30, Act II of 1965.**—In the said Act, in section 30,—

- (a) in sub-section (1), the words and figure “prepared under section 27” shall be omitted; and
- (b) in sub-section (5), the words and figure “prepared under section 27” shall be omitted.

20. **Amendment of section 31, Act II of 1965.**—In the said Act, in section 31, in sub-section (1),—

- (a) for the word “second” the word “fourth” shall be substituted; and
- (b) after the word “register”, the words “or the list” shall be inserted.

21. **Amendment of section 33, Act II of 1965.**—In the said Act, in section 33,—

- (a) in sub-section (1), for the words and figures “practitioner registered under section 24 or section 26” the words “registered or listed practitioner” shall be substituted;
- (b) in sub-section (2),—
 - (i) for the words and figures “practitioner registered under section 24 or section 26” the words “registered or listed practitioner” shall be substituted; and
 - (ii) for the word “Board” the words “Federal Government” shall be substituted; and
- (c) after sub-section (3), the following new sub-section shall be added, namely :—

“(4) A registered or listed practitioner shall abide by the Code of Ethics framed by the Board with the approval of the Federal Government.”.

22. **Omission of sections 34 and 35, Act II of 1965.**—In the said Act, sections 34 and 35 shall be omitted.

23. **Substitution of section 36, Act II of 1965.**—In the said Act, for section 36 the following shall be substituted, namely :—

- “36. *Offences and penalties.*—Whoever contravenes the provisions of sub-section (2) of section 33 shall be punishable with imprisonment for a term which may extend to seven years, or with fine which may extend to one lac rupees, or with both.”.

24. **Amendment of section 37, Act II of 1965.**—In the said Act, in section 37,—

- (a) in sub-section (1), for the words and figure “practitioner registered under this Act or a person whose name is entered in the list prepared under section 27” the words “registered or listed practitioner” shall be substituted;
- (b) in sub-section (2),—
 - (i) in clause (a), after the word “certificate”, the words “or death certificate” shall be inserted; and
 - (ii) in clause (b), after the word “certificate”, the words “or death certificate” shall be inserted; and
- (c) after sub-section (2) amended as aforesaid, the following new sub-section shall be inserted, namely :—

“(2A) No Homoeopath shall practise surgery.”.

25. **Insertion of new section 37A, Act II of 1965.**—In the said Act, after section 37 amended as aforesaid, the following new section shall be inserted, namely :—

- “37A. *Prohibition against calling applications, etc., by un-recognised institutions.*—(1) No institution which is not recognised under section 17 shall call applications, advertise or arrange for admission to such institution for imparting education in the Unani, Ayurvedic or Homoeopathic system of medicine; nor shall such institution advertise or conduct any correspondence course in any such system of medicine.
- (2) Whoever contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to seven years, or with fine which may extend to one lac rupees, or with both.”

26. **Amendment of section 39, Act II of 1965.**—In the said Act, in section 39, in sub-section (3), for the words and commas “may extend to one year, or with fine which may extend to one thousand rupees, or with both” the words “shall not be less than one year nor more than five years and also with fine which may extend to twenty thousand rupees” shall be substituted.

27. **Amendment of section 41, Act II of 1965.**—In the said Act, in section 41,—

- (a) in sub-section (1), the word “Provincial” shall be omitted; and
- (b) in sub-section (2), for the word “No” the words, figure and comma “Except as provided in section 36, no” shall be substituted.

28. **Amendment of section 42, Act II of 1965.**—In the said Act, in section 42,—

- (a) for sub-section (1) the following shall be substituted, namely :—

“(1) If at any time it appears to the Federal Government that the Board has failed to exercise or has exceeded or abused any of the powers conferred upon it by or under this Act, the Federal Government may, if it is satisfied that such failure, excess or abuse has adversely affected the efficient conduct of the affairs of the Board or the achievement of the objects of this Act, by notification in the official Gazette, supersede the Board for a period of one year and may, by a like notification, extend the period of supersession for a further period of one year :

Provided that no Board shall be superseded unless a reasonable opportunity has been given to it to show cause against the supersession”; and

- (b) in sub-section (2), after the word “President”, the comma and word “Vice-President” shall be inserted.

29. **Substitution of section 44, Act II of 1965.**—In the said Act, for section 44 the following shall be substituted, namely :—

“44. *Death of registered practitioners.*—For the purpose of securing information relating to the death of a registered or listed practitioner, the Board may appoint an honorary Registrar of Deaths in each district and regulate his functions and terms of appointment.”

30. **Amendment of section 47, Act II of 1965.**—In the said Act, in section 47, in clause (f), after the word “institutions” at the end, the words “and the qualifications of the principals and teachers thereof” shall be added.

FAZAL ELAHI CHAUDHRY,
President.

K. M. A. SAMDANI,
Secretary.

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, MONDAY, MAY 29, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS
(Law Division)

Islamabad, the 29th May, 1978

No. F. 24 (1)/78-Pub.—The following Ordinance made by the President on the 25th May, 1978 is hereby published for general information:—

ORDINANCE No. XXIII OF 1978

AN

ORDINANCE

to provide for a summary procedure for recovery of loans of banking companies.

WHEREAS it is expedient to provide for a summary procedure for recovery of loans of banking companies and for matters connected therewith or incidental thereto;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. Short title, extent, application and commencement.—(1) This Ordinance may be called the Banking Companies (Recovery of Loans) Ordinance, 1978.

(2) It extends to the whole of Pakistan.

(109)

Price : Ps. 25

(3) It applies to all banking companies except the Agricultural Development Bank of Pakistan to which only such of the provisions of this Ordinance shall apply, and from such date, as the Federal Government may, by notification in the official Gazette, specify.

(4) It shall come into force on such date as the Federal Government may, by notification in the official Gazette, appoint in this behalf.

2. **Definitions.**—In this Ordinance, unless there is anything repugnant in the subject or context,—

- (a) “banking company” means a bank as defined in the Banks (Nationalisation) Act, 1974 (XIX of 1974), and includes a financial institution which the Federal Government may, by notification in the official Gazette, declare to be a banking company for the purposes of this Ordinance, but does not include the State Bank of Pakistan;
- (b) “borrower” means a person who has obtained a loan from a banking company and includes a surety or an indemnifier, but does not include the Federal Government or a Provincial Government;
- (c) “commencing day” means the day on which this Ordinance comes into force;
- (d) “loan” includes—
 - (i) an advance, cash credit, overdraft, packing credit, a bill discounted and purchased or any other financial accommodation provided by a banking company to a borrower;
 - (ii) a guarantee, indemnity, letter of credit or any other financial engagement which a banking company may give, issue or undertake on behalf of a borrower;
 - (iii) a benami loan, that is, a loan the real beneficiary or recipient whereof is a person other than the person in whose name the loan is advanced or granted;
 - (iv) any amount due from any borrower to a banking company under a decree passed by a civil court or an award given by an arbitrator; and
 - (v) any loan due from any borrower to a banking company which is the subject matter of any pending suit, arbitration proceedings, appeal or revision before any court or arbitrator;
- (e) “rule” means rule made under this Ordinance; and
- (f) “Special Court” means a special court established under section 7.

3. **Ordinance not to derogate from other laws.**—The provisions of this Ordinance shall be in addition to and, save as hereinafter expressly provided, not in derogation of any other law for the time being in force.

4. **Securing and repayment of loan due on the commencing day.**—(1) This section applies only to loans outstanding on the commencing day.

(2) A loan or part thereof outstanding on the commencing day shall, unless secured or repaid earlier, be secured and repaid as provided in this section, notwithstanding the fact that the period of limitation within which a suit for the

recovery of the loan or part thereof could have been or may be filed expired or expires on or after the first day of January, 1974.

(3) Where, in the opinion of a banking company, a loan was, or has become, or is discovered to be, unsecured or insufficiently secured, the borrower shall, within one hundred and twenty days of the commencing day, provide sufficient security therefor and shall also repay the arrears of interest and other charges, if any.

(4) Where a loan is not, or has not become, sufficiently secured under sub-section (3), it shall be immediately repaid by the borrower.

(5) Where the loan is, or has become, sufficiently secured under sub-section (3), the outstanding amount shall, unless a different schedule of repayment was agreed to at the time of sanction of the loan, be repaid within a maximum period of one hundred and twenty days from the commencing day in instalments as provided in a schedule of repayment drawn by the bank.

(6) The decision of the bank in fixing the schedule of repayment under sub-section (5) shall not be questioned in any court.

5. Service of notice.—(1) A banking company may issue to a borrower a notice requiring repayment of a loan which is recoverable under section 4 or which falls due for repayment after the commencing day.

(2) A notice under sub-section (1) may be served on a borrower by being—

- (a) given or tendered to him ; or
- (b) sent by registered post to his last known address ; or
- (c) affixed on a conspicuous part of his last known address ; or
- (d) published in a newspaper.

6. Restrictions on alienation of property.—(1) No borrower shall, after a case has been filed against him in the Special Court, sell, dispose of, exchange, gift, mortgage, charge, lease, pledge, hypothecate or in any other manner transfer any property or asset owned by him without the prior permission of the Special Court.

(2) Any transfer of property or assets in violation of sub-section (1) shall be void unless it is made in accordance with the prior permission of the Special Court having jurisdiction ; and such permission shall not be granted unless the applicant for the grant of the permission furnishes sufficient security to the satisfaction of the Special Court for repayment of the loan due from him to a banking company.

7. Establishment of Special Courts.—(1) The Federal Government may, by notification in the official Gazette, establish as many Special Courts as it considers necessary, and where it establishes more than one Special Court, shall specify in the notification the territorial limits within which each one of them shall exercise jurisdiction under this Ordinance.

(2) A Special Court shall consist of a person who—

- (a) has been, or is, or is qualified to be, a Judge of a High Court, or
- (b) is a District Judge.

8. Powers of Special Court.—(1) A Special Court shall—

- (a) in the exercise of its civil jurisdiction, have, in respect of a claim filed by a banking company against a borrower or by a borrower against a banking company in respect of, or arising out of, a loan, all the powers vested in a civil court under the Code of Civil Procedure, 1908 (Act V of 1908);
- (b) in the exercise of its criminal jurisdiction, try the offences punishable under this Ordinance and shall, for that purpose, have the same powers as are vested in the Court of an Assistant Sessions Judge under the Code of Criminal Procedure, 1898 (Act V of 1898);

Provided that, for the purpose of a trial before a Special Court, the Provisions of Chapter XVIII of the said Code shall not apply:

Provided further that a Special Court shall not take cognizance of any offence punishable under this Ordinance except upon a complaint in writing made by a person authorised in this behalf by the Pakistan Banking Council constituted under the Banks (Nationalization) Act, 1974 (XIX of 1974), or the banking company in respect of which the offence was committed; and

- (c) exercise and perform such other powers and functions as are, or may be, conferred upon, or assigned to it by or under this Ordinance.

(2) Notwithstanding anything contained in sub-section (1), a Special Court shall have no civil jurisdiction in a case where the borrower is an individual and the outstanding amount of the loan does not exceed one lac rupees.

(3) All proceedings before a Special Court shall be deemed to be judicial proceedings within the meaning of sections 193 and 288 of the Pakistan Penal Code (Act XLV of 1860), and the Special Court shall be deemed to be a court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

(4) No court other than a Special Court shall have or exercise any jurisdiction with respect to any matter to which the jurisdiction of a Special Court extends under this Ordinance, including a decision as to the existence or otherwise of a loan and the execution of a decree passed by a Special Court: and all proceedings, including proceedings for the execution of a decree within the jurisdiction of a Special Court, by whatever court passed, which may be pending in any court immediately before the commencing day shall stand transferred to the Special Court.

9. Procedure of Special Court.—(1) Suits before the Special Court shall come up for regular hearing as expeditiously as possible and, except in extraordinary circumstances and on grounds to be recorded, a Special Court shall not allow adjournment.

(2) In the exercise of its civil jurisdiction, the Special Court shall in all suits before it, including suits based on mortgages of all kinds or statement of accounts for recovery of money paid to, or to the order of, the defendant, follow the summary procedure provided for in Order XXXVII in the First Schedule to the Code of Civil Procedure, 1908 (Act, V of 1908).

10. Judgement and decree.—(1) A Special Court shall, after the case has been heard, pronounce judgement as early as practicable, and on such judgement a decree shall follow forthwith.

(2) The decree shall provide for interest at the contracted rate on the judgement debt from the date of decree till payment.

(3) The Special Court shall, on the application of the decree-holder, forthwith order execution of the decree as arrears of land revenue or in such other manner as it may deem fit.

11. Provisions relating to certain offences.—(1) Whoever contravenes sub-section (2) of section 4 shall be punishable with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

(2) Whoever contravenes sub-section (1) of section 6 shall be punishable with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

(3) Whoever commits breach of the terms of a letter of hypothecation or trust receipt or such other instrument or document executed by him whereby the possession of the property offered as security for the loan is not with the banking company but is retained by or entrusted to him for the purpose of effecting sale and paying over the sale proceeds thereof, shall be punishable with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

(4) Whoever makes a false statement in an application for loan, or applies the amount of the loan towards purposes other than those for which the loan is availed of by him, shall be punishable with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

(5) All offences under this Ordinance shall be bailable, non-cognizable and compoundable.

(6) Where the person guilty of an offence under this Ordinance is a company or other body corporate, the Chief Executive by whatever name called, and every director, manager, secretary and other officer thereof shall, unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence, also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

12. Application of fines.—The Special Court imposing any fine under this Ordinance may direct that the whole or a part thereof shall be applied in or towards—

(a) payment of costs of the proceedings; and

(b) payment to a banking company of compensation for any loss caused by the offence.

13. Finality of orders.—Subject to the provisions for appeal in section 14, no court or other authority shall call or permit to be called in question any order, judgement or sentence of a Special Court or the legality or propriety of anything done or intended to be done by the Special Court under this Ordinance.

14. Appeals.—(1) Any person aggrieved by any order, judgement, decree or sentence of a Special Court may, within thirty days of such order, judgement,

decree or sentence, prefer an appeal to the High Court within whose jurisdiction the order, judgement, decree or sentence is passed :

Provided that no appeal shall lie from an interlocutory order which does not dispose of the entire case before the Special Court.

(2) An appeal under sub-section (1) shall be on any one of the following grounds, namely :—

- (a) the decision being contrary to law or to some usage having the force of law, or
- (b) the decision having failed to determine a material issue of law or usage having the force of law, or
- (c) a substantial error apparent in the procedure provided by or under this Ordinance, which may possibly have produced error in the decision on merits.

(3) An appeal may be preferred under this section from a decision made *ex-parte*.

(4) An appeal under this section shall be heard by a bench of not less than two Judges.

(5) No appeal shall be admitted for hearing unless the appellant deposits in cash with the High Court an amount equivalent to the judgement debt.

15. Indemnity.—No suit, prosecution or other legal proceeding shall lie against the Federal Government or a Special Court or a banking company or any other person for anything which is in good faith done or intended to be done under this Ordinance or any rule made thereunder.

16. Power to make rules.—The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

FAZAL ELAHI CHAUDHRY,
President.

K. M. A. SAMDANI,
Secretary.

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, MONDAY, MAY 29, 1978

PART I

Acts, Ordinances, President's Orders and Regulations, including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS
(Law Division)

Islamabad, the 29th May, 1978

No. F. 24 (1)/78-Pub.—The following Ordinance made by the President on the 25th May, 1978 is hereby published for general information:—

ORDINANCE No. XXIV of 1978

AN

ORDINANCE

*to repeal the West Pakistan Abolition of Estate Duty (Agricultural Lands)
Act, 1958*

WHEREAS it is expedient to repeal the West Pakistan Abolition of Estate Duty (Agricultural Lands) Act, 1958 (W.P. Act XXXV of 1958);

AND WHEREAS THE PRESIDENT is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (CMLA's Order

(115)

Price: Ps. 9

[673 Ex. Gaz.]

No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. **Short title and commencement.**—(1) This Ordinance may be called the West Pakistan Abolition of Estate Duty (Agricultural Lands) (Repeal) Ordinance, 1978.

(2) It shall come into force at once and shall be deemed to have taken effect on the first day of July, 1960.

2. **Repeal.**—The West Pakistan Abolition of Estate Duty (Agricultural Lands) Act, 1958 (W.P. Act XXXV of 1958), shall stand repealed and the words inserted by section 2 thereof in clause (14) of section 2 of the Estate Duty Act, 1950 (X of 1950), shall cease to form part, and shall be deemed never to have formed part, of the said clause.

FAZAL ELAHI CHAUDHRY,

President.

K. M. A. SAMDANI,

Secretary.

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, WEDNESDAY, MAY 31, 1978

PART I

Acts, Ordinances, President's Orders and Regulations, including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS
(Law Division)

Islamabad, the 31st May, 1978

No. F. 24 (1)78-Pub.—The following Ordinance made by the President on the 24th May, 1978 is hereby published for general information:—

ORDINANCE No. XXV of 1978

AN

ORDINANCE

to amend the Federal Public Service Commission Ordinance, 1977

WHEREAS it is expedient to amend the Federal Public Service Commission Ordinance, 1977 (XLV of 1977), for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (CMLA Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. **Short title and commencement.**—(1) This Ordinance may be called the Federal Public Service Commission (Amendment) Ordinance, 1978.

(119)

Price : Ps. 9

[679 Ex. Gaz.]

(2) It shall come into force at once.

2. **Amendment of section 3, Ordinance XLV of 1977.**—In the Federal Public Service Commission Ordinance, 1977 (XLV of 1977), hereinafter referred to as the said Ordinance, in section 3, after sub-section (4), the following new sub-section shall be inserted and shall be deemed always to have been so inserted, namely :—

“(5) No proceedings or act of the Commission shall be invalid merely on the ground of the existence of a vacancy in, or a defect in the constitution of, the Commission.”.

3. **Insertion of new section 7A, Ordinance XLV of 1977.**—In the said Ordinance, after section 7, the following new section shall be inserted, namely :—

“7A. *Conduct of business of Commission, etc.*—The Chairman of the Commission may, with the approval of the Federal Government, make rules for regulating the conduct of the business of the Commission ; and such rules may provide for any of the functions of the Commission specified by it being performed by a Committee composed of two or more members constituted by the Chairman for the purpose.”.

FAZAL ELAHI CHAUDHRY,

President.

K. M. A. SAMDANI,

Secretary.

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, MONDAY, JUNE 5, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 5th June, 1978

No. F. 24 (1)/78-Pub.—The following Ordinance made by the President on the 23rd May, 1978 is hereby published for general information:—

ORDINANCE No. XXVI of 1978

AN

ORDINANCE

further to amend the Quaid-e-Azam University Act, 1973

WHEREAS it is expedient further to amend the Quaid-e-Azam University Act, 1973 (XXVIII of 1973), for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstance exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all other powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement.—(1) This Ordinance may be called the Quaid-e-Azam University (Amendment) Ordinance, 1978.

(123)

Prices : Ps. 25

(2) It shall come into force at once.

2. Amendment of section 2, Act XXVIII of 1973.—In the Quaid-e-Azam University Act, 1973 (XXVIII of 1973), hereinafter referred to as the said Act, in section 2,—

- (a) after clause (a), the following new clause shall be inserted, namely :—
“ (aa) “affiliated college” means an educational institution affiliated to, but not maintained or administered by, the University ; ” ;
- (b) after clause (c), the following new clause shall be inserted, namely :—
“ (cc) “College” means a constituent college or an affiliated college ; ” ; and
- (c) in clause (1), the word “constituent” shall be omitted.

3. Amendment of section 4, Act XXVIII of 1973.—In the said Act, in section 4,—

- (a) in clause (b) the word “constituent” shall be omitted ;
- (b) after clause (f), the following new clause shall be inserted, namely :—
“ (ff) to grant affiliation to an educational institution and to withdraw such affiliation ; ” ;
- (c) in clause (g), for the words “or seeking association with it” the words and commas “with or affiliated to, or seeking association with or affiliation to, it” shall be substituted.

4. Amendment of section 8, Act XXVIII of 1973.—In the said Act, in section 8, in clause (vi), after the word “Principals”, the words “of constituent colleges” shall be added.

5. Amendment of section 10, Act XXVIII of 1973.—In the said Act, in section 10, in sub-section (1), after clause (ii), the following new clause shall be inserted, namely :—

“ (ii-a) any affiliated college ; ”.

6. Amendment of section 18, Act XXVIII of 1973.—In the said Act, in section 18, after clause (vii), the following new clause shall be inserted, namely :—

“ (vii-a) the Affiliation Committee ; ”.

7. Amendment of section 21, Act XXVIII of 1973.—In the said Act, in section 21, in sub-section (1), after clause (viii), the following new clause shall be inserted, namely :—

“ (viii-a) one Professor of an affiliated college to be nominated by the Chancellor ; ”.

8. Amendment of section 22, Act XXVIII of 1973.—In the said Act, in section 22, in sub-section (2),—

- (a) in clause (k), the word “constituent” shall be omitted ; and
- (b) after clause (x), the following new clause shall be inserted, namely :—
“ (x-a) to advise the Chancellor on the grant of affiliation to an educational institution and the withdrawal of such affiliation ; and ”.

9. **Amendment of section 23, Act XXVIII of 1973.**—In the said Act, in section 23, in sub-section (1), after clause (x), the following new clause shall be inserted, namely :—

“(x-a) two Professors of affiliated colleges, having at least five years experience of teaching in a Degree College, elected from amongst themselves ;”.

10. **Amendment of section 24, Act XXVIII of 1973.**—In the said Act, in section 24,—in sub-section (1), the word “constituent” shall be omitted.

11. **Insertion of new Chapter V-A, Act XXVIII of 1973.**—In the said Act, after section 30, the following new Chapter shall be inserted, namely :—

“CHAPTER V-A

AFFILIATION OF EDUCATIONAL INSTITUTIONS

30A. **Affiliation to be approved by Syndicate.**—No educational institution shall be granted affiliation to, or admitted to the privileges of, the University except with the approval of the Syndicate and the Chancellor.

30B. **Application for Affiliation.**—(1) An educational institution applying for affiliation to the University shall make an application to the University and shall satisfy it—

- (a) that the educational institution is under the management of a Government or of a regularly constituted governing body ;
- (b) that the financial resources of the educational institution are such as to enable it to make due provision for its continued maintenance and efficient working ;
- (c) that the strength and qualifications of the teaching and other staff, and the terms and conditions of their service, are adequate to make the provision for the courses of instruction, teaching or training to be undertaken by the educational institution ;
- (d) that the educational institution has framed proper rules regarding the efficiency and discipline of its staff and other employees ;
- (e) that the building in which the educational institution is to be located is suitable, and that provision will be made in conformity with the Statutes and the Regulations for—
 - (i) the residence of students, not residing with their parents or guardians, in the hostels established and maintained by the educational institution or in hostels or lodgings approved by it ; and
 - (ii) the supervision and physical and general welfare of students ;
- (f) that provision has been made for a library and adequate library services ;
- (g) that, where affiliation is sought in any branch of experimental sciences, due arrangements have been made for imparting instruction in that branch of science in a properly equipped laboratory, museum and other places of practical work ;
- (h) that due provision will, so far as circumstances may permit, be made for the residence of its Principal and members of the teaching staff

in or near the educational institution or the place provided for the residence of students; and

- (i) that the affiliation of the educational institution will not be injurious to the interests of education or discipline of any other educational institution in its neighbourhood.

(2) The Application shall further contain an undertaking that, after the educational institution is affiliated, any transference of, and changes in, the management and in the teaching staff, save in the case of Government colleges, shall forthwith be reported to the University, and that the teaching staff shall possess such qualifications as are, and may be, prescribed.

30C. Grant of affiliation.—The Syndicate may, after considering the report of the Affiliation Committee, grant or refuse to grant affiliation to an educational institution, and if it grants affiliation, it shall advise the Chancellor to assent to it:

Provided that affiliation shall not be refused unless the educational institution has been given an opportunity to show cause why affiliation should not be refused on the grounds to be given in writing.

30D. Extension of affiliation.—Where an educational institution desires to add to the courses of instruction in respect of which it is affiliated, the procedure prescribed for affiliation of educational institutions shall, so far as may be, be followed.

30E. Inspection and report.—(1) Every educational institution affiliated to the University shall furnish such reports, returns and other information as the University may require to enable it to judge the efficiency of the educational institution.

(2) The University shall cause every such educational institution to be inspected from time to time by one or more competent persons authorised by it in this behalf.

(3) The University may call upon any educational institution affiliated to it to take, within a specified period, such action as may appear to the University to be necessary in respect of any of the matters referred to in sub-section (1) of section 30B.

30F. Disaffiliation.—(1) If an educational institution affiliated to the University has failed to observe any of the conditions of its affiliation, or its affairs are conducted in a manner which is prejudicial to the interests of education, the rights conferred on the educational institution by affiliation may, on a report made by the Affiliation Committee and with the approval of the Syndicate and the sanction of the Chancellor, be withdrawn in whole or in part or modified:

Provided that the syndicate may, on a report of the affiliation committee, and after considering such representation as the educational institution may wish to make, restore to it such rights either in whole or in part.

(2) The procedure to be followed for the withdrawal of affiliation shall be such as may be prescribed.

30G. Appeal against decision of Syndicate.—An appeal shall lie to the Senate against the decision of the Syndicate refusing to affiliate an educational institution, or withdrawing in whole or in part, the rights conferred on such institution by affiliation, or against modification of such rights.”

12. Amendment of Schedule, Act XXXVIII of 1973.—In the said Act, in the Schedule,—

(a) in Statute 1,—

(i) in paragraph (1), in clause (vi), for the full stop at the end a semicolon shall be substituted, and thereafter the following new clause shall be added, namely:—

“(vii) Faculty of Medicine.”; and

(ii) in paragraph (2), in clause (i), for the semicolon at the end a colon shall be substituted, and thereafter the following proviso shall be inserted, namely:—

“Provided that, in the case of subjects in a Faculty which are taught in the affiliated college or colleges only,—

(a) if there is only one such college, the principal of that college, or

(b) if there are more than one such colleges, the persons elected by the Principals of such colleges from amongst themselves, shall be the Dean of that Faculty.”,

(b) In Statute 2, in paragraph (2), for the word “The” the words, brackets, figures and comma “Subject to the proviso to clause (i) of paragraph (2) of Statute 1, the” shall be substituted;

(c) in Statute 4, in paragraph (2), in the proviso, after the words “constituent colleges”, the words “or affiliated colleges” shall be inserted;

(d) after Statute 7, the following new paragraph shall be inserted, namely:—

“7A. *Affiliation Committee.*—(1) The Affiliation Committee shall consist of—

(i) a Chairman to be nominated by the Syndicate;

(ii) two Professors to be nominated by the Syndicate;

(iii) one representative of the University Grants Commission to be nominated by that Commission;

(iv) one representative of the Ministry of Education to be nominated by that Ministry; and

(v) an officer of the University to be nominated by the Vice-Chancellor, who shall also act as Secretary to the Committee.

(2) The term of office of the members of the Affiliation Committee, other than *ex-officio* members, shall be two years.

(3) The Affiliation Committee may co-opt such experts, not exceeding two, as it may deem necessary.

- (4) The quorum for a meeting of the Affiliation Committee shall be three.
- (5) The functions of the Affiliation Committee shall be—
 - (a) to make inspection of an educational institution seeking affiliation to, or admission to the privileges of, the University and make a report to the Syndicate ;
 - (b) to enquire into complaints of breach of any of the conditions of affiliation by the affiliated college and make a report to the Syndicate ; and
 - (c) to perform such other functions as may be prescribed by Regulations ”.

FAZAL ELAHI CHAUDHRY,
President.

K. M. A. SAMDANI,
Secretary.

CORRIGENDA

[to the Gazettes of Pakistan, Extraordinary, Part I, dated the 28th May, 1978 and 29th May, 1978 containing Ordinances No. XXII of 1978 and No. XXIII of 1978, respectively].

Page 101 : in the Preamble in line 1, for “Unani Ayurvedic” read “Unani, Ayurvedic”.

Page 103 : In line 1 for “(d)” read “(b)”.

Page 107 : In line 2 from the bottom for “honorary. Registrar” read “honorary Registrar”.

Page 112 : In line 10 at the end for “semi colon” read “colon”.

Page 112 : In line 32 for “colon” read “semi colon”.

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, FRIDAY, JUNE 9, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS
(Law Division)

Islamabad, the 9th June, 1978

No. F. 24 (1)/78-Pub.—The following Ordinance made by the President on the 8th June, 1978 is hereby published for general information:—

ORDINANCE No. XXVII OF 1978

AN

ORDINANCE

to provide for the appointment of Administrators of Flying Clubs

WHEREAS it is expedient to provide for the appointment of Administrators for the management of the affairs of Flying Clubs;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. **Short title, extent and commencement.**—(1) This Ordinance may be called the Flying Clubs (Appointment of Administrators) Ordinance, 1978.
- (2) It extends to the whole of Pakistan.
- (3) It shall come into force at once.

(129)

Price: Ps. 19

2. Definitions.—In this Ordinance, unless there is anything repugnant in the subject or context,—

- (a) “Administrator”, in respect of a Club, means the Administrator of the Club appointed under section 4;
- (b) “Committee”, in respect of a Club, means the Managing Committee of the Club; and
- (c) “Club” means a Flying Club.

3. Ordinance to override other laws, etc.—The provisions of this Ordinance shall have effect notwithstanding anything contained in the Companies Act, 1913 (VII of 1913), or any memorandum or articles of association or bye-laws.

4. Appointment of Administrator.—(1) If at any time the Federal Government has reason to believe that the Committee is unable to function properly for any reason whatever or that for the proper management of the affairs and business of a Club it is necessary or proper so to do, the Federal Government may, after giving to the Committee an opportunity of showing cause against the action proposed to be taken, appoint an Administrator to manage the affairs and business of the Club.

(2) The Administrator shall receive such remuneration as the Federal Government may direct and shall hold office during the pleasure of the Federal Government.

(3) On the appointment of the Administrator, the management of the affairs and business of the Club shall vest in the Administrator and the Committee shall be divested of that management and the members thereof shall cease to hold office.

(4) The Administrator shall, subject to such directions as the Federal Government may issue from time to time, exercise and perform all the powers and functions of the Committee, including powers and functions connected with or incidental to the management of the affairs and business of the Club, such as the powers to have the accounts of the Club audited, institute inquiries and initiate proceedings, both civil and criminal, against any person responsible for committing irregularities in financial, flying, administrative and other matters connected with the Club.

(5) The Federal Government may, on the recommendation of the Administrator, make such modifications in the articles of association of the Club as it may consider necessary for the efficient management of the affairs of the Club; and such modifications shall form part of the articles of association.

5. Termination of appointment of Administrator.—(1) If at any time it appears to the Federal Government that the purpose of the order appointing the Administrator has been fulfilled, the Federal Government may require the Administrator to have a Committee elected in accordance with the articles of association of the Club within such time as the Federal Government may specify.

(2) After the Committee has been elected in pursuance of sub-section (1), the Federal Government shall cancel the order appointing the Administrator and thereupon the Administrator shall be divested of the management of the affairs and business of the Club, which shall vest in the Committee.

6. Penalty for withholding property, etc., from Administrator.—If any member of the Committee or any other person fails to deliver to the Administrator any books of account, registers or any other documents in his custody relating to the affairs or business of the Club the management of which has vested in the Administrator, or retains any property of the Club, or obstructs or hinders the Administrator in the exercise or performance of his powers or functions, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

7. Indemnity.—(1) No suit, prosecution or other legal proceeding shall lie against the Administrator or any other officer or authority in respect of anything which is in good faith done or intended to be done under this Ordinance.

(2) No suit or other legal proceeding shall lie against the Federal Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Ordinance.

8. Bar of jurisdiction.—No court shall grant an injunction, make any order or entertain any proceedings in respect of anything done or action taken, or intended to be done or taken, under this Ordinance.

9. Power to make rules.—The Federal Government may make rules for carrying out the purposes of this Ordinance.

FAZAL ELAHI CHAUDHRY,
President.

K. M. A. SAMDANI,
Secretary.

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, MONDAY, JUNE 12, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS
(Law Division)

Islamabad, the 12th June, 1978

No. F. 24 (2) 78-Pub.—The following Order made by the President on the 1st June, 1978, is hereby published for general information:—

THE BUDGETARY PROVISIONS ORDER, 1978 PRESIDENT'S ORDER No. 8 OF 1978

In pursuance of the Proclamation of the fifth July, 1977, read with the Laws (Continuance in Force) Order, 1977 (CMLA order No. 1 of 1977) and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order:—

1. (1) This Order may be called the Budgetary Provisions Order, 1978.
- (2) It shall come into force at once and shall be deemed to have taken effect on the fifth day of July, 1977.

2. (1) The Federal Government and a Provincial Government shall, in respect of a financial year, cause to be prepared before the commencement of that year an Annual Budget Statement specifying the estimated receipts into, and the estimated expenditure from, the Federal Consolidated Fund or, as the case may be, the Provincial Consolidated Fund in the same manner as an Annual Budget Statement used to be prepared before the issue of the Proclamation and may, in like manner, prepare Supplementary Budget Statement and Excess Budget Statements.

(133)

Price: Ps. 9

(2) The President and the Governor of a Province shall also cause to be prepared a schedule of the estimated expenditure from the Federal Consolidated Fund, or as the case may be, the Provincial Consolidated Fund in the same form as that of the Annual Budget Statement in so far as it relates to expenditure and shall, by his signature, authenticate the schedule which shall be called the Schedule of Authorised Expenditure.

(3) The Schedule of Authorised Expenditure, as authenticated by the President and the Governor of a Province shall be the authority for withdrawal of moneys from the Federal Consolidated Fund or, as the case may be, the Provincial Consolidated Fund of the Province.

FAZAL ELAHI CHAUDHRY,
President.

K. M. A. SAMDANI,
Secretary.

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, SUNDAY, JUNE 25, 1978

PART I

Acts, Ordinances, President's Orders and Regulations, including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 25th June, 1978

No. F. 24 (1)/78-Pub.—The following Ordinances made by the President on the 24th June, 1978 are hereby published for general information:—

ORDINANCE No. XXVIII OF 1978

AN

ORDINANCE

further to amend the Banking Companies Ordinance, 1962

WHEREAS it is expedient further to amend the Banking Companies Ordinance, 1962 (LVII of 1962), for the purpose hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. **Short title and commencement.**—(1) This Ordinance may be called the Banking Companies (Second Amendment) Ordinance, 1978.

(2) It shall come into force at once.

(135)

Price: Ps. 19

2. **Amendment of section 13, Ordinance LVII of 1962.**—In the Banking Companies Ordinance, 1962 (LVII of 1962), in section 13, in sub-section (3), for the word 'twenty' the word 'fifty' and for the words 'five per cent' the words 'seven and a half per cent' shall be substituted.

FAZAL ELAHI CHAUDHRY,
President.

K. M. A. SAMDANI,
Secretary.

ORDINANCE No. XXIX of 1978

AN

ORDINANCE

to validate certain orders passed by the Chairman or a Member of the Federal Land Commission

WHEREAS it is expedient to validate certain orders passed by the Chairman or a Member of the Federal Land Commission ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. **Short title, extent and commencement.**—(1) This Ordinance may be called the Land Reforms Regulation (Validation of Orders) Ordinance, 1978.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. **Validation.**—Notwithstanding any order or decision of any court, any order passed by the Chairman or by a Member of the Federal Land Commission at any time before the commencement of this Ordinance and purporting to be in exercise of the authority conferred on the Chairman and Members of the Commission by an order of the Federal Government under paragraph 29 of the Land Reforms Regulation, 1972, shall be deemed to have been validly passed and shall have, and shall be deemed always to have had, effect accordingly.

FAZAL ELAHI CHAUDHRY,
President.

K. M. A. SAMDANI,
Secretary.

ORDINANCE No. XXX of 1978

AN

ORDINANCE

to provide for the levy of a duty of excise on staple cotton produced by ginning factories and sold to textile mills

WHEREAS it is expedient to provide for the levy of excise duty on staple cotton produced by ginning factories and sold to textile mills;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. **Short title and commencement.**—(1) This Ordinance may be called the Staple Cotton (Excise Duty) Ordinance, 1978.

(2) It shall come into force at once and shall be deemed to have taken effect on the first day of July, 1976:

Provided that, unless the Federal Government, by notification in the official Gazette, otherwise directs, it shall not apply to staple cotton of any crop following the crop of 1976-77 and shall stand repealed on the first day of July, 1978.

2. **Definitions.**—In this Ordinance, unless there is anything repugnant in the subject or context,—

(a) 'Board' means the Central Board of Revenue constituted under the Central Board of Revenue Act, 1924 (IV of 1924);

(b) 'Corporation' means the Cotton Trading Corporation of Pakistan;

(c) 'factory' means a cotton ginning factory producing staple cotton for sale;

(d) 'sale price' means the price of four hundred and fifteen rupees per maund, inclusive of excise duty, at which staple cotton is sold by the Corporation to a textile mill;

(e) 'staple cotton' means ginned cotton other than desi cotton.

3. **Rate of duty.**—There shall be levied and collected a duty of excise on staple cotton produced and sold by a factory, whether directly or through the Corporation, to any buyer, other than the Cotton Export Corporation, at the rates set forth in the Schedule:

Provided that, where the staple cotton is sold through the Corporation at the rates prescribed by the Corporation, the duty shall be payable by the Corporation out of the sale price.

4. **Manner of payment of duty.**—The duty shall be paid at the time of sale and before the delivery of staple cotton to a textile mill.

5. **Exemptions.**—The Board may, by special order in each case, exempt from the payment of the whole or any part of the duty leviable under this Ordinance, under circumstances of special nature to be stated in such order, any staple cotton on which such duty is leviable.

6. **Power to make rules.**—The Central Board of Revenue may, by notification in the official Gazette, make rules to carry into effect the purposes of this Ordinance.

7. **Application of the provisions of the Central Excises and Salt Act, 1944 (I of 1944).**—The provisions of the Central Excises and Salt Act, 1944 (I of 1944), and the rules made thereunder shall, in so far as they are not inconsistent with the provisions of this Ordinance and do not affect the levy and collection of duty under this Ordinance, apply to staple cotton and to the recovery of the duty not paid.

SCHEDULE

(Section 3)

S. No.	Description	Rate of duty
1.	Staple Cotton produced by cotton ginning factories in the public sector which are under the administrative control of the Cotton Trading Corporation of Pakistan.	Sixty rupees per maund.
2.	Staple Cotton produced by cotton ginning factories in the private sector which are not under the administrative control of the Cotton Trading Corporation of Pakistan.	Fifty-five rupees per maund.

FAZAL ELAHI CHAUDHRY,

President.

K. M. A. SAMDANI,

Secretary.

The Gazette of Pakistan

EXTRAORDINARY
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ISLAMABAD, SATURDAY, JULY 1, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 1st July, 1978

No. F. 24 (1)/78-Pub.—The following Ordinance made by the President on the 29th June, 1978 is hereby published for general information:—

ORDINANCE No. XXXI OF 1978

AN

ORDINANCE

to give effect to the financial proposals of the Federal Government for the year beginning on the first day of July, 1978, and to amend certain laws.

WHEREAS it is expedient to make provisions to give effect to the financial proposals of the Federal Government for the year beginning on the first day of July, 1978, and to amend certain laws for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

(147)

Price: Ps. 87

[800 Ex. Gaz.]

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (CMLA Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title and extent.—(1) This Ordinance may be called Finance Ordinance, 1978.

(2) It extends to the whole of Pakistan.

2. Amendment of Act XI of 1922.—The following amendments shall be made in the Income-tax Act, 1922 (XI of 1922), namely :—

(1) in section 4, in sub-section (3), in clause (xv),—

(a) after sub-clause (3), the following sub-clause shall be added, namely :—

“(4) in respect of dividend income received from any public company registered under the Companies Act, 1913 (VII of 1913), at any time between the first day of July, 1978, and the thirtieth day of June, 1982 (hereinafter referred to as the ‘said period’), having its registered office in Pakistan and engaged in an industrial undertaking set up at any time within the aforesaid period out of the profits of the undertaking, for a period of five years beginning from the year in which commercial production is commenced : The whole of such income.

Provided that this clause shall, in relation to sub-clause (4), have effect as if the brackets and words “(other than a company)” were omitted.”;

(b) in the *Explanation*,—

(a) for the words and comma “For the purposes of this clause, “dividend income” the following shall be substituted, namely :—

“For the purposes of this clause,—

(a) “dividend income” ;” and

(b) for the full stop at the end a semi-colon shall be substituted and thereafter the following paragraph shall be added, namely :—

“(b) “industrial undertaking” means an undertaking falling under any of the clauses (a), (b), (c) and (d) specified, and fulfilling the conditions laid down, in clause (xiii) of this sub-section and includes any such undertaking as may be approved by the Central Board of Revenue for the purposes of this clause.”;

(2) in section 10, in sub-section (4), in clause (bb), after the words “brokerage or commission”, the words “chargeable under the provisions of this Act” shall be inserted ;

- (3) in section 15C,—
- (a) in sub-section (1), for the word, brackets and figure “sub-section (4)” the word, brackets and figure “sub-section (3)” shall be substituted; and
 - (b) in sub-section (2A), for the word, brackets, figure and letter “sub-section (3A)” the word, brackets and figure “sub-section (3)” shall be substituted;
- (4) in section 15GG, after sub-section (2), the following new sub-section shall be added, namely:—
- “(3) The provisions of sub-sections (1) and (2) shall also apply in like manner to any machinery installed on or after the first day of July, 1978 for the purpose of extension of the industrial undertaking, if such extension constitutes an identifiable industrial unit for the production of similar goods.
 - (4) The provisions of paragraph (b) of the *Explanation* to clause (xv) of sub-section (3) of section 4 shall apply *mutatis mutandis* to this section.”;
- (5) in section 17, in sub-section (5), in the proviso, for the figure “1979” the figure “1981” shall be substituted;
- (6) in section 18,—
- (a) after sub-section (3BB), the following sub-section shall be inserted, namely:—

“(3BBB) Every person responsible for collection of motor vehicles tax shall, at the time of collecting the said tax, collect income-tax at the rate of one thousand rupees per annum from every person liable to pay motor vehicles tax in respect of any goods transport vehicle plying for hire with registered laden weight of not less than 2030 kilograms:

Provided that where the motor vehicles tax is collected in instalments, income-tax may also be collected in like manner.”;
 - (b) in sub-section (6),—
 - (i) after the words “deducted”, the words “or collected” shall be inserted; and
 - (ii) after the word “deduction”, the words “or collection” shall be inserted;
 - (c) in sub-section (7), for the words “or after deducting” the words and commas “or collect, or after deducting or collecting, as the case may be,” shall be substituted;
 - (d) in sub-section (8), after the word “deduction”, the words “or collection” shall be inserted; and
 - (e) for sub-section (9) the following sub-section shall be substituted, namely:—

“(9) Every person deducting or collecting tax in accordance with the provisions of sub-section (3), (3A), (3B), (3BB), (3BBB).

(3C) or (3CC) shall, at the time of payment of the sum from which tax has been deducted or at the time of the collection of the tax, as the case may be, furnish to the person to, or from, whom such payment or collection has been made, a certificate to the effect that tax has been so deducted or collected, and specifying the amount so deducted or collected, the rate at which tax has been deducted or collected, and such other particulars as may be prescribed.”;

(7) in section 18A, in sub-section (1), for the word, brackets, figure and letter “or (3C)” the commas, brackets, figures, letters and word “, (3BBB), (3C) or (3CC)” shall be substituted;

(8) in section 24, in sub-section (2B), for the second proviso the following shall be substituted, namely:—

“Provided further that as respects the assessments for the years beginning on the first day of July, 1975 and ending on the thirtieth day of June, 1981 this sub-section shall have effect as if the year beginning on the first day of July, 1981 were the next following year for the years ending at any time between the thirtieth day of June, 1975, and the thirtieth day of June, 1980, and the first proviso were omitted.”;

(9) in section 58, in sub-section (2), for the brackets, figure and letter “(3C)” the commas, brackets, figures and letter “, (3BBB), (3C), (3CC)” shall be substituted; and

(10) in section 58F, in sub-section (1), for the word, brackets and figure “sub-section (4)” the word, brackets and figure “sub-section (3)” shall be substituted.

3. Income-tax and Super-tax.—(1) Subject to the provisions of sub-sections (2), (3), (4) and (5), in making any assessment for the year beginning on the first day of July, 1978,—

(a) income-tax shall be charged at the rates specified in Part I of the First Schedule; and

(b) the rates of super-tax shall, for the purposes of section 55 of the Income-tax Act, 1922 (XI of 1922), be those specified in Part II of the First Schedule.

(2) In making any assessment for the year beginning on the first day of July, 1978, where the total income of a company includes any profits and gains from the life insurance business, super-tax payable by the company shall be reduced by an amount equal to 12.5 per cent of that part of its total income which consists of such inclusion.

(3) In making any assessment for the year beginning on the first day of July, 1978 where the assessee is a cooperative society, the tax shall be payable at the rates specified in paragraph A of Part I, or paragraph C of Part I and paragraph A of Part II of the First Schedule as if the assessee were a company to which the proviso to paragraph A of the said Part II applied, whichever treatment is more beneficial to the assessee.

(4) (a) In making any assessment for the year beginning on the first day of July, 1978, where the total income of an assessee includes any profits and gains derived from export of goods manufactured in Pakistan, income-tax and super-tax, if any, payable in respect of such profits and gains shall, subject to the provisions of clauses (b), (c) and (d), be reduced by an amount equal to half the amount of income-tax and super-tax, if any, attributable to the sale proceeds of such goods :

Provided that in the case of a registered firm, super-tax payable by it under paragraph C of Part II of the First Schedule shall be reduced under this clause by so much of such amount calculated on the basis of the income-tax payable on its total income under paragraph A of Part I as if it were the total income of an unregistered firm as does not exceed the said super-tax.

(b) Nothing in clause (a) shall apply to a company which has not made such effective arrangements as may be prescribed by the Central Board of Revenue for the declaration and payment in Pakistan of dividends payable out of its profits and gains liable to tax under the Income-tax Act, 1922 (XI of 1922), and for the deduction of tax from such dividends.

(c) Nothing contained in clauses (a) and (b) shall apply in respect of the following goods or class of goods, namely :—

(i) raw cotton ;

(ii) such other goods as may be notified by the Central Board of Revenue from time to time.

(d) The Central Board of Revenue may make rules providing for the computation of profits and the tax attributable to export sales for the purposes of clause (a) and for such other matters as may be necessary to give effect to the provisions of this sub-section.

(5) In cases to which section 17 of the said Act applies, the tax chargeable shall be determined as provided in that section, but with reference to the rates referred to in sub-section (1).

(6) For the purposes of making deduction of tax under section 18 of the said Act, the rates specified in Part I and Part II of the First Schedule shall apply as respects the year beginning on the first day of July, 1978, and ending on the thirtieth day of June, 1979.

(7) For the purposes of this section and of the rates of tax imposed thereby, the expression "total income" means total income as determined for the purposes of income-tax or super-tax, as the case may be, in accordance with the provisions of the said Act ; and the expression "public company" means a company—

(i) in which not less than fifty per cent of the shares are held by the Government ; or

(ii) whose shares were the subject of dealings in a registered stock exchange in Pakistan at any time during the previous year and remained listed on the stock exchange till the close of that year.

4. **Surcharge under Act XI of 1922.**—Surcharge under the Income-tax Act, 1922 (XI of 1922), shall be charged in respect of any assessment for the year beginning on the first day of July, 1978, at the rate specified in Part III of the First Schedule.

5. **Amendment of Act I of 1944.**—The amendments set out in the Second Schedule shall be made in the First Schedule to the Central Excises and Salt Act, 1944 (I of 1944).

6. **Amendment of Act IV of 1969.**—The amendments set out in the Third Schedule shall be made in the First Schedule to the Customs Act, 1969 (IV of 1969), on the first day of July, 1978.

THE FIRST SCHEDULE

(See section 3)

PART I

RATES OF INCOME-TAX

A. In the case of every individual, unregistered firm, an association of person, Hindu undivided family and every artificial juridical person referred to in clause (9) of section 2 of the Income-tax Act, 1922 (XI of 1922), not being a case to which paragraph B of this Part applies—

Rates

1. Where the taxable income does not exceed Rs. 5,000. 10 per cent of the taxable income.
2. Where the taxable income exceeds Rs. 5,000 but does not exceed Rs. 10,000. Rs. 500 plus 20 per cent of the amount exceeding Rs. 5,000.
3. Where the taxable income exceeds Rs. 10,000 but does not exceed Rs. 20,000. Rs. 1,500 plus 30 per cent of the amount exceeding Rs. 10,000.
4. Where the taxable income exceeds Rs. 20,000 but does not exceed Rs. 30,000. Rs. 4,500 plus 40 per cent of the amount exceeding Rs. 20,000.
5. Where the taxable income exceeds Rs. 30,000. Rs. 8,500 plus 50 per cent of the amount exceeding Rs. 30,000.

Provided that :—

- (i) no income-tax shall be payable on a total income which before deduction of the sums, if any, exempt under the first and third provisos to sub-section (1) of section 7, section 15, section 15A, section 15AA, section 15C, section 15CC, section 15CCC, section 15D, section 15F, section 15H, section 15HH, section 58F and section 58W of the Income-tax Act, 1922 (XI of 1922) does not exceed Rs. 12,000;
- (ii) where the total income of an assessee exceeds Rs. 12,000 but does not exceed Rs. 15,000, the income-tax payable shall not exceed fifty per cent of the amount by which the total income exceeds Rs. 12,000 ;

- (iii) where the total income includes any income from a share of the income, profits and gains of a firm to which paragraph C of part II applies such portion of the super-tax payable under the said paragraphs bears to the total amount of such super-tax the same proportion as his share of income, profits and gains of the firm bears to the total income of the firm shall be added to the income-tax payable by such partner under this paragraph and, if the sum so arrived at exceeds fifty per cent of the total income of such partner (including his share of income, profits and gains of the firm), the amount of income-tax payable by him under this paragraph shall be reduced by the amount of such excess.

Explanation.—The expression “taxable income”, as used in this paragraph and paragraph (2) of Part III, means :—

- (a) in the case of an assessee to whom or to which clause (a) of sub-section (1) of section 17 of the Income-tax Act, 1922 (XI of 1922) applies, the total income ; and
- (b) in any other case, the total income of an assessee as diminished by the allowance admissible under the first and third provisos to sub-section (1) of section 7, section 15, section 15A, section 15AA, section 15 C, section 15CC, section 15CCC, section 15D, section 15F, section 15H, section 15HH, section 58F and section 58W of the Income-tax Act, 1922 (XI of 1922).

B. In the case of every local authority and in every 30 per cent of the total case in which, under the provisions of the Income-tax income. Act, 1922 (XI of 1922), income tax is to be charged at the maximum rate.

C. In the case of every company (including a 30 per cent of such income. foreign association declared to be a company by the Central Board of Revenue under clause (5A) of section 2 of the Income-tax Act, 1922 (XI of 1922), on the total income excluding such part of the total income as consists of any dividends or bonus or bonus shares to which sub-paragraph (2) or sub-paragraph (3) of paragraph A of Part II applies.

PART II

RATES OF SUPER-TAX

A. In the case of a company, -

Rates

- (1) on the total income, excluding such 35 per cent of such income in the part of the total income as consists of case of a banking company dividends or bonus or bonus shares to and 20 per cent of such in- which sub-paragraph (2) or sub-para- come in the case of a company graph (3) applies. other than a banking company :

Provided that where a company, in respect of the profits and gains liable to tax under the Income-tax Act, 1922 (XI of 1922), has made such effective arrangements as may be prescribed by the Central Board of Revenue in this behalf for the declaration and payment in Pakistan of dividends payable out of such profits and gains and for the deduction of tax from such dividends, rebate shall be allowed as follows :—

- (i) a rebate of 5 per cent to such company not being a banking company if it is a public company ;

- (ii) a rebate of 5 per cent to such company not being a banking company if it is a public company to which clause (iii) does not apply, if its paid-up capital plus free reserves as on the last day of the previous year does not exceed Rs. 5,00,000 ;
- (iii) a rebate of 5 per cent on so much of the income, profits and gains of such company, being a public company, as are derived by it from an industrial undertaking if its paid-up capital plus free reserves as on the last day of the previous year does not exceed Rs. 10,00,000 ;
- (iv) a rebate of 5 per cent on so much of the income, profits and gains of such company, as are derived by it from an industrial undertaking commencing commercial production at any time between the first day of July, 1975 and the thirtieth day of June, 1980 (both dates inclusive) if the original cost of fixed assets (excluding the cost of land) owned by the company and used by the undertaking does not exceed Rs. 30,00,000, so however that no rebate under clauses (ii) and (iii) shall be allowed to such company ;
- (v) a rebate of 10 per cent to such company in respect of its income, profits and gains to which sub-section (9) of section 10 of the Income-tax Act, 1922 (XI of 1922), applies or which are derived by it in Pakistan from processing, freezing, preserving and canning of food, vegetable, fruit, grain, meat, fish and poultry; and
- (vi) a rebate of 15 per cent to such company on so much of the income, profits and gains accruing or arising outside Pakistan to which sub-section (4) of section 3 does not apply as are brought by it into Pakistan.

Explanation.—The term “industrial undertaking”, as used in this Schedule means an undertaking which is set up or commenced in Pakistan on or after the 14th day of August, 1947, and which employs (i) ten or more persons in Pakistan and involves the use of electrical energy or any other form of energy which is mechanically transmitted and is not generated by human or animal agency or (ii) twenty or more persons in Pakistan and does not involve the use of electrical energy or any other form of energy which is mechanically transmitted and is not generated by human or animal agency and which is—

- (i) engaged in—
 - (a) the manufacture of goods or materials or the subjection of goods or materials to any process, which substantially changes their original condition ;
 - (b) ship-building ;
 - (c) generation, transformation, conversion, transmission or distribution of electrical energy, or the supply of hydraulic power; or
 - (d) the working of any mine, oil-well or other source of mineral deposits not being an undertaking to which the Second and Third Schedules to the Income-tax Act, 1922 (XI of 1922) apply ; or
- (ii) any other industrial undertaking which may be approved by the Central Board of Revenue for the purposes of this clause ;

(2) to which paragraph C of Part I applies, on the amount representing income from dividends from a company having its registered office in Pakistan—

- (a) where such dividends are received by a public company and are declared and paid by a company formed and registered in Pakistan under the Companies Act, 1913 (VII of 1913), or a body corporate formed in pursuance of a law within the legislative competence of Parliament in respect of the share-capital issued, subscribed and paid after the fourteenth day of August, 1947. 10 per cent of such amount.
- (b) where such dividends are received by a foreign association declared to be a company by the Central Board of Revenue under clause (5A) of section 2 of the Income-tax Act, 1922 (XI of 1922). 15 per cent of such amount.

(c) in other cases. 30 per cent of such amount ;

(3) on the whole of the amount representing the face value of any bonus shares issued by the company before the first day of September, 1977, or the amount of any bonus issued by the company, with a view to increasing its paid-up capital—

Rates

- (a) where a company which issued bonus shares or bonus, as the case may be, is a public company. 10 per cent of such amount.
- (b) in other cases. 15 per cent of such amount.

B. In the case of every local authority, on the whole of the total income. 12.5 per cent of the total income.

C. In the case of every registered firm—

- (1) where the total income does not exceed Rs. 15,000. Nil.
- (2) where the total income exceeds Rs. 15,000 but does not exceed Rs. 30,000. 5 per cent of the amount exceeding Rs. 15,000.
- (3) where the total income exceeds Rs. 30,000 but does not exceed Rs. 60,000. Rs. 750 plus 10 per cent of the amount exceeding Rs. 30,000.
- (4) where the total income exceeds Rs. 60,000 but does not exceed Rs. 1,00,000. Rs. 3,750 plus 20 per cent of the amount exceeding Rs. 60,000.
- (5) where the total income exceeds Rs. 1,00,000. Rs. 11,750 plus 30 per cent of the amount exceeding Rs. 1,00,000.

Explanation.—The term “registered firm” as used in this paragraph means a firm registered under section 26A of the Income-tax Act, 1922 (XI of 1922), or a firm treated as a registered firm under clause (b) of sub-section (5) of section 23 of the said Act.

PART III

(See section 4)

RATES OF SURCHARGE

- | | |
|---|---|
| (1) In the case of every company, | 10 per cent of the income-tax and super-tax payable on total income as reduced by so much of the income as has been retained for the purpose of capitalization or for meeting working capital requirement : |
| | Provided that, if the income so retained is distributed in any subsequent year, the surcharge shall be payable on the income so distributed at the same rates in that year. |
| (2) In the case of every person, other than a company : | 10 per cent of the income-tax and super-tax. |
| | Provided that nothing in this paragraph shall apply in the case of an individual whose taxable income is less than Rs. 50,000. |
| (3) In the case of every person deriving income from the business of manufacture, purchase or sale of jewellery, including gold, silver, precious metals, stones and ornaments or other articles made thereof : | In addition to any sum payable under paragraph (1) or paragraph (2), a further sum equal to six per cent of such income. |
| | Provided that the surcharge shall not be payable by any person (not being a company) whose total income does not exceed Rs. 12,000. |

THE SECOND SCHEDULE

(See section 5)

AMENDMENT OF THE FIRST SCHEDULE TO THE CENTRAL EXCISE AND SALT ACT, 1944 (I of 1944).

In Part I, in SECTION X, —

- (a) in item No. 41, in column 2, after the words “which is man-made fibre”, the words and figure “and which contains less than 10 per cent of wool by weight” shall be inserted;

(b) in item No. 45, in column 2, after the word "excluding", the words and figure "yarn which contains less than 10 per cent of wool by weight and" shall be inserted ; and

(c) in item No. 47, in column 2, after the words "wholly or partly from wool", the words and figure "and includes any such fabrics which contain 10 per cent or more of wool by weight" shall be inserted.

THE THIRD SCHEDULE

(See section -6)

AMENDMENTS IN THE CUSTOMS ACT, 1969 (IV OF 1969)

In the Customs Act, 1969 (IV of 1969), in the First Schedule, against the heading numbers specified in the first column of the table below, for the entries relating to the "Name of articles" and "Rate of duty" the corresponding entries in the second and third columns of the table shall be substituted.

TABLE

Heading No.	Name of article	Rate of duty
1	2	3
04.03	Butter	100% <i>ad val.</i>
28.17	Sodium hydroxide (caustic soda), potassium hydroxide (caustic potash); peroxides of sodium or potassium :	
	A. Sodium hydroxide (caustic soda)	100% <i>ad val.</i>
	B. Other	40% <i>ad val.</i>
33.06	Perfumery, cosmetics and toilet preparations :	
	A. Talcum powder	85% <i>ad val.</i>
	B. Tooth Paste	135% <i>ad val.</i>
	C. Other	160% <i>ad val.</i>
39.01	Condensation, polycondensation and polyaddition products, whether or not modified or polymerised, and whether or not linear (for example, phenoplasts, aminoplasts, alkyds, polyallyl esters and other unsaturated polyesters, silicones) :	
	A. Blocks, lumps, powders, granules, flakes and similar other forms	120% <i>ad val.</i>
	B. "Lurex" and similar products in the form of sheets, strips, film or foil, of a width exceeding 5 mm, consisting of a core of aluminium foil, or of a core of plastic film whether or not coated with aluminium dust, sandwiched by means of plain or coloured adhesive between two layers of artificial plastic material or covered by means of artificial materials on one or both sides	120% <i>ad val.</i>

1	2	3
	C. Synthetic Bond (e.g., 'Durite'), a phenol formaldehyde resin, in liquid or powder form, containing minute quantities of hexamethylene-tetramine	40% <i>ad val.</i>
	D. Nylon monofilament of a diameter exceeding 1 mm. but not exceeding 1.4 mm	40% <i>ad val.</i>
	E. Poly hexamethylenedipine amide ; polymer of hexamethylene diamine and sebacic acids, polyamide of hexamethylene diamine adipate ; polymer of caprolactam ; super-polyamide of 1.1-amino	40% <i>ad val.</i>
	F. Other	120% <i>ad val.</i>
39.02	Polymerisation and copolymerisation products (for example, polyethylene, polytetrahaloethylenes, polyisobutylene, polystyrene, polyvinyl chloride, polyvinyl acetate, polyvinyl chloroacetate and other polyvinyl derivatives, polyacrylic and polymethacrylic derivatives, conmarone-indene resins) :	
	A. Blocks, lumps, powders, granules, flakes and similar other forms :	
	(i) Polyethylene resins of low density within the ranges of 0.915—0.929g/m at 23 %	120% <i>ad val.</i> or Rs. 4.10 per k.g. whichever is higher
	(ii) Polyvinyl chloride and its compounds	Rs. 7.50 per k.g.
	(iii) Other	120% <i>ad val.</i>
	B. "Lurex " and similar products in the form of sheets, strips, films or foil, of a width, exceeding 5 mm, consisting of a core of aluminium foil, or of a core of plastic film whether or not coated with aluminium dust, sandwiched by means of plain or coloured adhesive between two layers of artificial plastic material or covered by means of artificial materials on one or both sides	120% <i>ad val.</i>
	C. Other :	
	(i) Polyvinyl chloride and its compounds	120% <i>ad val.</i>
	(ii) Other	120% <i>ad val.</i>
39.03	Regenerated cellulose; cellulose nitrate, cellulose acetate and other cellulose esters, cellulose ethers and other chemical derivatives of cellulose, plasticised or not (for example, collodions, celluloid) ; vulcanised fibre :	
	A. Blocks, lumps, powders, granules, flakes and similar other forms	120% <i>ad val.</i>
	B. "Lurex " and similar products in the form of sheets, strips, film or foil, of a width exceeding 5mm. consisting of a core of aluminium foil, or of a core of plastic film whether or not coated with aluminium dust, sandwiched by means of plain or coloured adhesive between two layers of artificial plastic material or covered by means of artificial materials on one or both sides	120% <i>ad val.</i>
	C. Other :	
	(i) Transparent wrapping of regenerated cellulose (Cellophane), of cellulose acetate or of other materials falling under heading No. 39.03	120% <i>ad val.</i>
	(ii) Other	120% <i>ad val.</i>

1

2

3

- 39.04 Hardened proteins (for example, hardened casein and hardened gelatin).
- A. Blocks, lumps, powders, granules, flakes and similar other forms 120% *ad val.*
- B. "Lurex" and similar products in the form of sheets, strip, film or foil of a width exceeding 5 mm, consisting of a core of aluminium foil, or of a core of plastic film whether or not coated with aluminium dust sandwiched by means of plain or coloured adhesive between two layers of artificial plastic materials or covered by means of artificial materials on one or both sides 120% *ad val.*
- C. Other 120% *ad val.*
- 39.05 Natural resins modified by fusion (run gums) ; artificial resins obtained by esterification of natural resins or resinic acids (ester gums); chemical derivatives of natural rubber (for example, chlorinated rubber, rubber hydrochloride, oxidised rubber cyclised rubber) :
- A. Blocks, lumps, powders, granules, flakes and similar other forms :
- (i) Polyvinyl chloride and its compounds Rs. 7.50 per kg
- (ii) Other 120% *ad val.*
- B. "Lurex" and similar products in the form of sheets, strip, film or foil of a width exceeding 5 mm, consisting of a core of aluminium foil or of a core of plastic film whether or not coated with aluminium dust sandwiched by means of plain or coloured adhesive between two layers of artificial plastic material or covered by means of artificial material on one or both sides 120% *ad val.*
- C. Other :
- (i) Polyvinyl chloride and its compounds 120% *ad val.*
- (ii) Other 120% *ad val.*
- 39.06 Other high polymers, artificial resins and artificial plastic materials including alginic acid, its salts and esters ; linnoxyn :
- A. Blocks, lumps, powders, granules, flakes and similar other forms :
- (i) Polyvinyl chloride and its compounds Rs. 7.50 per kg.
- (ii) Other 120% *ad val.*
- B. "Lurex" and similar products in the form of sheets, strip, film or foil, of a width exceeding 5 mm, consisting of a core of aluminium foil or of a core of plastic film whether or not coated with aluminium dust, sandwiched by means of plain or coloured adhesive between two layers of artificial plastic material or covered by means of artificial materials on one or both sides 120% *ad val.*

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C. Other :

- (i) Polyvinyl chloride and its compounds 120% *ad val.*
(ii) Other 120% *ad val.*

39.07 Articles of materials of the kinds described in heading Nos. 39.01 to 39.06 :

- A. Plastic coils (contraceptives) and accessories thereof .. Free
B. Bobbins, cones, cops, cores, spools and similar supports of a kind used in textile machinery 40% *ad val.*
C. Gloves, surgical ; scientific instruments and parts and accessories thereof 85% *ad val.*
D. For automotive vehicles 150% *ad val.*
E. Other 120% *ad val.*

I. RAW RUBBER

- 40.01 Natural rubber latex, whether or not with added synthetic rubber latex ; pre-vulcanised natural rubber latex ; natural rubber, balata, gutta-percha and similar gums 60% *ad val.*
40.02 Synthetic rubber latex ; pre-vulcanised synthetic rubber latex ; synthetic rubber : factice derived from oils 60% *ad val.*
40.03 Reclaimed rubber 60% *ad val.*
40.04 Waste and parings of unhardened rubber ; scrap of unhardened rubber, fit only for the recovery of rubber ; powder obtained from waste or scrap of unhardened rubber 60% *ad val.*

II. UNVULCANISED RUBBER

- 40.05 Plates, sheets and strips of unvulcanised natural or synthetic rubber, other than smoked sheets and crepe sheets of heading No. 40.01 or 40.02 ; granules of unvulcanised natural or synthetic rubber compounded ready for vulcanisation ; un-vulcanised natural or synthetic rubber, compounded before or after coagulation either with carbon black with or without the addition of mineral oil, or with silica (with or without the addition of mineral oil), in any form, of a kind known as master batch 75% *ad val.*
40.06 Unvulcanised natural or synthetic rubber including rubber latex, in other forms or states (for example, rods, tubes and profile shapes, solutions and dispersions) ; articles of un-vulcanised natural or synthetic rubber (for example, coated or impregnated textile thread ; rings and discs) 90% *ad val.*

III. ARTICLES OF UNHARDENED VULCANISED RUBBER

- 40.07 Vulcanised rubber thread and cord, whether or not textile covered, and textile thread covered or impregnated with vulcanised rubber 105% *ad val.*
40.08 Plates, sheets, strips, rods and profile shapes, of unhardened vulcanised rubber 105% *ad val.*
40.09 Piping and tubing, of unhardened vulcanised rubber 105% *ad val.*
40.10 Transmission, conveyor or elevator belts or belting, of vulcanised rubber :
A. For automotive vehicles 135% *ad val.*
B. Other 105% *ad val.*

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40.11	Rubber tyres, tyre cases, inter-changeable tyre treads, inner tubes and tyre flaps, for wheels of all kinds	
	A. Rubber tyres, tubes etc. used exclusively for aeroplanes and tractors	Free
	B. Rubber tyres, tubes etc. used exclusively in motor-cycles, scooters and rickshaw	60% <i>ad val.</i>
	C. Other	85% <i>ad val.</i>
40.12	Hygienic and pharmaceutical articles (including teats), of unhardened vulcanised rubber, with or without fittings of hardened rubber :	
	A. Contraceptive all sorts	Free
	B. Hot water bottles and rubber teats	90% <i>ad val.</i>
	C. Other	60% <i>ad val.</i>
40.13	Articles of apparel and clothing accessories (including gloves), for all purposes, of unhardened, vulcanised rubber	105% <i>ad val.</i>
40.14	Other articles of unhardened vulcanised rubber :	
	A. Rubber sheets for the manufacture of stoppers for pharmaceutical industry	60% <i>ad val.</i>
	B. Other	105% <i>ad val.</i>

IV. HARDENED RUBBER (EBONITE AND VULCANITE) ARTICLES MADE THEREOF

40.15	Hardened rubber (ebonite and vulcanite), in bulk, plates, sheets, strips, rods, profile shapes or tubes, scrap, waste and powder, of hardened rubber	105% <i>ad val.</i>
40.16	Articles of hardened rubber (ebonite and vulcanite) :	
	A. Hygienic, medical and surgical articles	60% <i>ad val.</i>
	B. Other	105% <i>ad val.</i>

I. PAPER AND PAPER BOARD, IN ROLLS OR IN SHEETS

48.01	Paper and paperboard (including cellulose wadding), machine made, in rolls or sheets :	
	A. Thin paper weighing not more than 32 grammes per square meter :	
	(i) Cigarette paper	40% <i>ad val.</i>
	(ii) Manifold and similar paper	55% <i>ad val.</i>
	(iii) Carbon tissue	55% <i>ad val.</i>
	(iv) Other	85% <i>ad val.</i>
	B. Printing and writing paper weighing more than 32 but not more than 220 grammes per square metre :	
	(i) Newsprint that is to say, paper in rolls or sheets, having a water absorbency when tested by the one-minute Cobb method of not less than 45 grammes per square metre containing not less than 70 per cent of mechanical wood pulp and of weight not less than 48 or more than 63 grammes per square metre	Free

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(ii) Other	..	..	..	..	..	60% <i>ad val.</i> subject to a minimum of Rs. 1,500 per ton.
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C. Wrapping paper weighing more than 32 but not more than 220 grammes per square metre :

(i) Kraft paper	..	..	..	..	..	100% <i>ad val.</i> subject to a minimum of Rs. 3,500 per metric ton.
(ii) Other	..	..	..	..	..	100% <i>ad val.</i> subject to a minimum of Rs. 3,500 per metric ton.

D. Special purpose paper weighing more than 32 but not more than 220 grammes per square metre :

(i) Paper for backing abrasives	..	..	..	..	..	40% <i>ad val.</i>
(ii) Paper for the manufacture of sensitised paper	..	..	..	..	..	40% <i>ad val.</i>
(iii) Filter paper and other absorbent paper	..	..	..	..	..	55% <i>ad val.</i>
(iv) Other	..	..	..	..	..	85% <i>ad val.</i>

E. Paper and paperboard weighing more than 220 grammes per square metre :

(i) Filter paper and paper board ; blotting or absorbent paper and paper board	..	..	..	..	..	55% <i>ad val.</i>
(ii) Duplex, triplex and similar paper and paperboard consisting of several layers of different qualities of pulp pressed together	..	..	..	..	..	70% <i>ad val.</i>
(iii) Other	..	..	..	..	..	85% <i>ad val.</i>

F. Other	..	..	..	..	..	85% <i>ad val.</i>
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51.01 Yarn of man-made fibres (continuous), not put up for retail sale :

A. Of synthetic fibres :

(i) Nylon yarn of 3 plies or more of a weight not exceeding 1 g/m, certified by the Provincial Directorate of Fisheries, to have been imported for making fishing nets by persons engaged in the operation of fishing	..	..	..	..	..	Free
(ii) Polyester yarn	..	..	..	..	..	Rs. 27.00 per Kg. + 10% <i>ad val.</i>
(iii) Other	..	..	..	..	..	Rs. 25.00 per Kg. + 10% <i>ad val.</i>

B. Of regenerated fibres :

(i) Cuprammonium rayon	..	..	..	..	..	Rs. 22.00 per Kg. + 10% <i>ad val.</i>
(ii) Viscose rayon	..	..	..	..	..	Rs. 22.00 per Kg. + 10% <i>ad val.</i>
(iii) Acetate rayon	..	..	..	..	..	Rs. 22.00 per Kg. + 10% <i>ad val.</i>
(iv) Other	..	..	..	..	..	Rs. 25.00 per Kg. + 10% <i>ad val.</i>

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51.02	Monofil, strip (artificial straw and the like) and imitation catgut, of man-made fibre materials :	
	A. "Lurex" yarn or strip and similar products of a width not exceeding 5 mm. consisting of a core of aluminium foil, or of a core of plastic film whether or not coated with aluminium dust, sandwiched by means of plain or coloured adhesive between two layers of artificial plastic materials or covered by means of artificial materials on one or both sides	Rs. 44.00 per Kg. + 135% <i>ad val.</i>
	B. Nylon monofilament of a diameter not less than 0.7 mm and not exceeding 1 mm and of a weight not less than 6.6 mgn/m	47-1/2% <i>ad val.</i>
	C. Other	72-1/2 <i>ad val.</i>
51.03	Yarn of man-made fibres (continuous), put up for retail sale :	
	A. Of synthetic fibres :	
	(i) Nylon yarn of 3 plies or more of a weight not exceeding 1 g/m, certified by the Provincial Directorate of Fisheries to have been imported for making fishing nets by persons engaged in the operation of fishing	Free.
	(ii) Polyester yarn	Rs. 27.00 per Kg. + 10% <i>ad val.</i>
	(iii) Other	Rs. 25.00 per Kg. + 10% <i>ad val.</i>
	B. Of regenerated fibres :	
	(i) Cuprammonium rayon	Rs. 22.00 per Kg. + 10% <i>ad val.</i>
	(ii) Viscose rayon	Rs. 22.00 per Kg. + 10% <i>ad val.</i>
	(iii) Acetate rayon	Rs. 22.00 per Kg. + 10% <i>ad val.</i>
	(iv) Other	Rs. 25.00 per Kg. + 10% <i>ad val.</i>
56.01	Man-made fibres (discontinuous), not carded, combed or otherwise prepared for spinning :	
	A. Synthetic fibres	Rs. 9.62 per Kg. + 10% <i>ad val.</i>
	B. Regenerated fibres	Rs. 9.62 per Kg. + 10% <i>ad val.</i>
56.02	Continuous filament two for the manufacture of man-made fibres (discontinuous) :	
	A. Of synthetic fibres	Rs. 9.62 per Kg. + 10% <i>ad val.</i>
	B. Of regenerated fibres	Rs. 9.62 per Kg. + 10% <i>ad val.</i>

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56.04	Man-made fibres (discontinuous or waste), carded, combed or otherwise prepared for spinning :	
A. Synthetic fibres . . .	.. .. .	Rs. 9.62 per Kg. + 10% <i>ad val.</i>
B. Regenerated fibres	.. .. .	Rs. 9.62 per Kg. + 10% <i>ad val.</i>
56.05	Yarn of man-made fibres (discontinuous or waste), not put up for retail sale :	
A. Of synthetic fibre		
(i) Polyester yarn	.. .. .	Rs. 27.00 per Kg. + 10% <i>ad val.</i>
(ii) Other	.. .. .	Rs. 25.00 per Kg. + 10% <i>ad val.</i>
B. Of regenerated fibres :		
(i) Cuprammonium rayon	.. .. .	Rs. 22.00 per Kg. + 10% <i>ad val.</i>
(ii) Viscose rayon	.. .. .	Rs. 22.00 per Kg. + 10% <i>ad val.</i>
(iii) Acetate rayon	.. .. .	Rs. 22.00 per Kg. + 10% <i>ad val.</i>
(iv) Other	.. .. .	Rs. 25.00 per Kg. + 10% <i>ad val.</i>
56.06	Yarn of man-made fibres (discontinuous or waste), put up for retail sale :	
A. Of synthetic fibres :		
(i) Polyester Yarn	.. .. .	Rs. 27.00 per Kg. + 10% <i>ad val.</i>
(ii) Other	.. .. .	Rs. 25.00 per Kg. + 10% <i>ad val.</i>
B. Of regenerated fibres :		
(i) Cuprammonium rayon	.. .. .	Rs. 22.00 per Kg. + 10% <i>ad val.</i>
(ii) Viscose rayon	.. .. .	Rs. 22.00 per Kg. + 10% <i>ad val.</i>
(iii) Acetate rayon	.. .. .	Rs. 22.00 per Kg. + 10% <i>ad val.</i>
(iv) Other	.. .. .	Rs. 25.00 per Kg. + 10% <i>ad val.</i>
73.01	Pig iron, cast iron and spiegeleisen, in pigs, blocks, lumps and similar forms :	
A. Spiegeleisen		40% <i>ad val.</i>
B. Other		40% <i>ad val.</i>

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73.02	Ferro-alloys :	
	A. Ferro-manganese	40 % <i>ad val.</i>
	B. Other	40% <i>ad val.</i>
73.03	Waste and scrap metal of iron or steel	40% <i>ad val.</i>
73.04	Shot and angular grit, of iron or steel, whether or not graded ; wire pellets of iron or steel	40% <i>ad val.</i>
73.05	Iron or steel powders, sponge iron or steel :	
	A. Iron or steel powders	40% <i>ad val.</i>
	B. Sponge iron or steel	40% <i>ad val.</i>
73.06	Puddled bars and pilings; ingots, blocks, lumps and similar forms, of iron or steel :	
	A. Puddled bars and pilings, blocks, lumps and similar forms	50% <i>ad val.</i>
	B. Ingots	50% <i>ad val.</i>
73.07	Blooms, billets, slabs and sheet bars (including tinplate bars) of iron or steel; pieces roughly shaped by forging of iron or steel ..	50% <i>ad val.</i>
73.08	Iron or steel coils for re-rolling	50% <i>ad val.</i>
73.09	Universal plates of iron or steel :	
	A. Cast iron plates	70% <i>ad val.</i>
	B. Other	70% <i>ad val.</i>
73.10	Bars and rods (including wire rod), of iron or steel, hot, rolled, forged, extruded, cold-formed, or cold-finished (including precision made); hollow mining drill steel.	
	A. Wire rod	70% <i>ad val.</i>
	B. Other:	
	(i) Bars and rods of 3 in. or less in diameter	70% <i>ad val.</i>
	(ii) Other	70% <i>ad val.</i>
73.11	Angles, shapes and sections, of iron or steel, hot-rolled, forged, extruded, cold-formed or cold-finished ; sheet piling of iron or steel, whether or not drilled, punched or made from assembled elements :	
	A. Angles, shapes and section 80 mm or more ; sheet piling :	
	(i) Sheet piling	70% <i>ad val.</i>
	(ii) Angles upto 4-in. × 4-in. × 1/12-in. Tees upto 3-in. × 3-in. × 3/8-in. Flats upto 4-in. × 3/4-in. Joists and beams upto 7-1/2-in. × 4-in. and Channels upto 6-1/4-in. × 3-in. × 3/8-in.	70% <i>ad val.</i>
	(iii) Other	70% <i>ad val.</i>
73.12	Hoop and strip, of iron or steel, hot-rolled or cold rolled :	
	A. Hoop and strip ; the following sizes :	
	(a) Cold-rolled 26g × 1/2-in	70% <i>ad val.</i>

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(b) Hot-rolled :

	(i) 20g × 3/4-in	..	..	..	..	70% <i>ad val.</i>
	(ii) 19g × 3/4-in	..	..	..	..	70% <i>ad val.</i>
	(iii) 18g × 3/4-in	..	..	..	..	70% <i>ad val.</i>
	(iv) 16g × 1-in	..	..	..	..	70% <i>ad val.</i>
	B. Other	..	..	..	..	70% <i>ad val.</i>
73.13	Sheets and plates, of iron or steel, hot-rolled or cold rolled :					
	A. Cast iron plates	..	..	..	..	70% <i>ad val.</i>
	B. Other	..	..	..	..	70% <i>ad val.</i>
73.14	Iron or steel wire, whether or not coated but not insulated :					
	A. Of 22 SWG or thicker than this	..	..	..	..	70% <i>ad val.</i>
	B. Other	..	..	..	..	70% <i>ad val.</i>
73.15	Alloy steel and high carbon steel in the forms mentioned in headings Nos. 73.06 to 73.14 :					
	A. Puddled bars and pilings ; ingots, blocks, lumps and similar forms	..	..	..	..	60% <i>ad val.</i>
	B. Blooms and billets, slabs and sheet bars (including tin-plate bars) ; pieces roughly shaped by forging ; coils for re-rolling..	..	..	..	..	60% <i>ad val.</i>
	C. Universal plates ; sheets and plates, wire rod ; other bars and rods..	..	..	..	..	70% <i>ad val.</i>
	D. Other	..	..	..	..	70% <i>ad val.</i>
73.16	Railway and tramway track construction material of iron or steel, the following : rails, check-rails, switch bladed, crossings (or frogs), crossing pieces, point rods, rack rails, sleepers, fish plates, chairs, chair wedges, sole plates (base plates), rail clips, bed plates, ties and other material specialised for joining or fixing rails :					
	A. Rails	..	..	..	..	50% <i>ad val.</i>
	B. Other	..	..	..	..	50% <i>ad val.</i>
73.17	Tubes and pipes, of cast iron					
	..	..	..	..	..	80% <i>ad val.</i>
73.18	Tubes and pipes and blanks therefor, of iron (other than of cast iron) or steel, excluding high-pressure hydro-electric conduits :					
	A. G.I. Pipes, tubes and blanks thereof	..	..	..	..	125% <i>ad val.</i>
	B. Other	..	..	..	..	80 % <i>ad val.</i>
73.19	High-pressure hydro-electric conduits of steel, whether or not reinforced					
	..	..	..	..	..	80% <i>ad val.</i>
73.20	Tube and pipe fittings (for example, joints, elbows, unions and flanges), of iron or steel :					
	A. Tube and pipe fittings of iron or steel excluding of cast iron, of a kind used solely or principally with tubes or pipes of an internal diameter exceeding 6 inches or of an internal cross-sectional area exceeding that of a tube of an internal diameter of 6-inches	..	..	..	..	80% <i>ad val.</i>
	B. Other	..	..	..	..	80% <i>ad val.</i>

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73.21	Structures and parts of structures (for example, hangers and other buildings, bridges, and bridge sections, locks gates, towers, lattice masts, roofs, roofing frame works, door and window pillars and columns) of iron or steel ; plates, strips, rods, angles, shapes, sections, tubes and the like, prepared for use in structures of iron or steel	90 % <i>ad val.</i>
73.22	Reservoirs, tanks, vats and similar containers, for any material (other than compressed or liquified gas), of iron or steel, of a capacity exceeding 300 litres, whether or not lined or heat-insulated but not fitted with mechanical or thermal equipment.	90 % <i>ad val.</i>
73.23	Casks, drums, cans, boxed and similar containers, of sheet or plate of iron or steel, of a description commonly used for the conveyance or packing of goods	90 % <i>ad val.</i>
73.24	Containers, of iron or steel, for compressed or liquified gas ..	90 % <i>ad val.</i>
73.25	Stranded wire, cables, cordate, ropes, plaited bands, slings and the like, of iron or steel wire, but excluding insulated electric cables.	90 % <i>ad val.</i>
73.26	Barbed iron or steel wire, twisted hoop or single flat wire, barbed or not, and loosely twisted double wire, of kinds used for fencing, of iron or steel	90 % <i>ad val.</i>
73.27	Gauze, cloth, grill, netting, fencing, reinforcing fabric and similar materials of iron or steel wire	90 % <i>ad val.</i>
73.28	Expanded metal, of iron or steel	90 % <i>ad val.</i>
73.29	Chain and parts thereof, of iron or steel	90 % <i>ad val.</i>
73.30	Anchors and grapnels and parts thereof, of iron or steel ..	90 % <i>ad val.</i>
73.31	Nails, tacks, staples, hook-nails, corrugated nails, spiked cramps, studs, spikes and drawing pins, of iron or steel, whether or not with heads or other materials, but not including such articles with heads of copper :	
	A. Protector studs ; round hob nails	90 % <i>ad val.</i>
	B. Other	90 % <i>ad val.</i>
73.32	Bolts and nuts (including bolt ends and screw studs), whether or not threaded or tapped and screws (including screw hooks and screw rings), of iron or steel ; rivets, cotters, cotter-pins, washers and spring washers, of iron or steel	90 % <i>ad val.</i>
73.33	Needles for hand sewing (including embroidery) hand carpet needles and hand knitting needles, bodkins, crochet hooks, and the like, and embroidery stilettos, of iron or steel :	
	A. Blanks	90 % <i>ad val.</i>
	B. Other	90 % <i>ad val.</i>
73.34	Pins (excluding hatpins and other ornamental pins and drawing pins), hairpins and curling grips, of iron or steel :	
	A. Hairpins, curling pins and curling grips	90 % <i>ad val.</i>
	B. Other	90 % <i>ad val.</i>

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73.35	Springs and leaves for springs, of iron or steel :	
	A. Upholstery and mattress wire springs	90% <i>ad val.</i>
	B. Other :	
	(i) Chassis springs and leaves therefor for automotive vehicles	90% <i>ad val.</i>
	(ii) Other	90% <i>ad val.</i>
73.36	Stoves (including stoves with subsidiary boilers for central heatings), ranges, cookers, grates, fires and other space heaters, gas rings, plate warmers with burners, wash boiler with grates or other heating elements, and similar equipment, of a kind used for domestic purposes, not electrically operated, and parts thereof, of iron or steel	120% <i>ad val.</i>
73.37	Boilers (excluding boilers of headings No. 84.01) and radiators, for central heating, not electrically heated, and parts thereof, of iron or steel ; air heaters and hot air distributors (including those which can also distribute cool or conditioned air), not electrically heated incorporating a motor-driven fan or blower, and parts thereof, of iron or steel	120% <i>ad val.</i>
73.38	Articles of a kind commonly used for domestic purposes, sanitary ware for indoor use, and parts of such articles and ware, of iron or steel :	
	A. Domestic articles and part thereof :	
	(i) Aircraft galley and kitchen equipment	10% <i>ad val.</i>
	(ii) Other	120% <i>ad val.</i>
	B. Sanitary ware for indoor use and parts thereof :	
	(i) Stainless steel sinks and chromium plated sanitary wares.	120% <i>ad val.</i>
	(ii) Other	120% <i>ad val.</i>
73.39	Iron or steel wood ; pot scourers and scouring and polishing pads, gloves and the like, of iron or steel	90% <i>ad val.</i>
73.40	Other articles of iron or steel :	
	A. Castings or forgings in the rough state	50% <i>ad val.</i>
	B. Reservoirs etc., of a capacity of 300 litres or less	90% <i>ad val.</i>
	C. Other :	
	(i) Steel balls of 1mm diameter for the manufacture of ball point pens	50% <i>ad val.</i>
	(ii) Bead wires for cycle tyres	60% <i>ad val.</i>
	(iii) Steel belt, lacing	90% <i>ad val.</i>
	(iv) Other	120% <i>ad val.</i>
74.01	Copper matte ; unwrought copper (refined or not) ; copper waste and scrap :	
	A. Copper matte	40% <i>ad val.</i>
	B. Copper waste and scrap	40% <i>ad val.</i>
	C. Unrefined copper	40% <i>ad val.</i>
	D. Refined copper	40% <i>ad val.</i>

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74.02	Master alloys	40% <i>ad val.</i>
74.03	Wrought bars, rods, angles, shapes and sections, of copper ; copper wire :	
	A. Copper wire	70% <i>ad val.</i>
	B. Other	70% <i>ad val.</i>
74.04	Wrought plates, sheets and strips, of copper	70% <i>ad val.</i>
74.05	Copper foil (whether or not embossed, cut to shape, perforated, coated, printed or backed with paper or other reinforcing material), of a thickness (excluding any backing) not exceeding 0.15mm	70% <i>ad val.</i>
74.06	Copper powders and flakes	70% <i>ad val.</i>
74.07	Tubes and pipes and blanks therefor, of copper ; hollow bars of copper :	
	A. Tubes and pipes and blanks therefor, of copper ; hollow bars of copper excluding chromium plated or wholly of brass	80% <i>ad val.</i>
	B. Other	80% <i>ad val.</i>
74.08	Tube and pipe fittings (for example, joints, elbows, sockets and flanges), of copper :	
	A. Tube and pipe fittings (for example, joints, elbows, sockets and flanges) of copper excluding chromium plated or wholly of brass	80% <i>ad val.</i>
	B. Other	80% <i>ad val.</i>
74.09	Reservoirs, tanks, vats and similar containers, for any material (other than compressed or liquified gas) of copper, of a capacity exceeding 300 litres, whether or not linked or heat-insulated, but not fitted with mechanical or thermal equipment	90% <i>ad val.</i>
74.10	Stranded wire, cables, cordage, ropes, plaited bands and the like, of copper wire, but excluding insulated electric wires and cables..	90% <i>ad val.</i>
74.11	Gauze, cloth, grill, netting, fencing, re-inforcing fabric and similar materials (including endless bands), of copper wire	90% <i>ad val.</i>
74.12	Expanded metal, of copper	90% <i>ad val.</i>
74.13	Chain and parts thereof, of copper	90% <i>ad val.</i>
74.14	Nails, tacks, staples, hooknails, spiked cramps, studs, spikes and drawing pins, of copper, or of iron or steel with heads of copper..	90% <i>ad val.</i>
74.15	Bolts and nuts (including bolt ends and screw studs), whether or not threaded or tapped, and screws (including screw hooks and screw rings), of copper ; rivets, cotters, cotter-pins, washers and spring washers of copper	90% <i>ad val.</i>
74.16	Springs, of copper	90% <i>ad val.</i>
74.17	Cooking and heating apparatus of a kind used for domestic purpose, not electrically operated, and parts thereof, of copper ..	120% <i>ad val.</i>
74.18	Other articles of a kind commonly used for domestic purposes, sanitary ware for indoor use, and parts of such articles and ware, of copper	120% <i>ad val.</i>

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74.19	Other articles of copper :	
	A. Needles and pins :	
	(i) Hairpins, curling pins and curling grips ..	90% ad val.
	(ii) Other	90% ad val.
	B. Doors, window frames and other structural parts ..	90% ad val.
	C. Containers for the conveyance or packing of goods ..	90% ad val.
	D. Other articles :	
	(i) Castings or forgings in the rough state ..	80% ad val.
	(ii) Other :	
	(a) Brass ferrules for lead pencils ..	90% ad val.
	(b) Other	120% ad val.
75.01	Nickel mattes, nickel speiss and other intermediate products of nickel metallurgy; Unwrought nickel (excluding electro-plating anodes) ; nickel waste and scrap :	
	A. Nickel mattes, nickel speiss and other intermediate products of nickel metallurgy ..	40% ad val.
	B. Nickel waste and scrap ..	40% ad val.
	C. Unwrought nickel ..	40% ad val.
75.02	Wrought bars, rods, angles, shapes and sections, of nickel ; nickel wire :	
	A. Nickel wire ..	70% ad val.
	B. Other ..	70% ad val.
75.03	Wrought plates, sheets and strip, of nickel ; nickel foil ; nickel powders and flakes ..	70% ad val.
75.04	Tubes and pipes and blanks therefor, of nickel ; hollow bars, and tube and pipe fittings (for example, joints, elbows, socket and flanges), of nickel ..	80% ad val.
75.05	Electro-plating anodes, of nickel, wrought or unwrought, including those produced by electrolysis ..	60% ad val.
75.06	Other articles of nickel :	
	A. Castings or forgings in the rough state ..	80% ad val.
	B. Other ..	120% ad val.
76.01	Unwrought aluminium ; aluminium waste and scrap :	
	A. Aluminium waste and scrap ..	40% ad val.
	B. Unwrought aluminium ..	40% ad val.
76.02	Wrought bars, rods, angles, shapes and sections, of aluminium ; aluminium wire :	
	A. Aluminium wire ..	70% ad val.
	B. Other ..	70% ad val.

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76.03	Wrought plates, sheets and strip of aluminium.. ..	70% <i>ad val.</i>
76.04	Aluminium foil (whether or not embossed, cut to shape, perforated, coated, printed, or backed with paper or other reinforcing material), of a thickness (excluding any backings) not exceeding 0.20 mm :	
	A. Aluminium foil paper backed	80% <i>ad val.</i>
	B. Other	80% <i>ad val.</i>
76.05	Aluminium powders and flakes	80% <i>ad val.</i>
76.06	Tubes and pipes and blanks therefor, of aluminium ; hollow bars of aluminium	80% <i>ad val.</i>
76.07	Tube and pipe fittings (for example, joints, elbows, sockets and flanges) of aluminium	80% <i>ad val.</i>
76.08	Structures and parts of structures (for example, hangers and other, buildings, bridges and bridge-sections, towers, lattice masts roofs, roofing frameworks, door and window frames, balustrades, pillars and columns), of aluminium ; plates, rods, angles, shapes, sections, tubes and the like prepared for use in structures of aluminium	90% <i>ad val.</i>
76.09	Reservoirs, tanks, vats and similar containers, for any materials (other than compressed or liquified gas), of aluminium, of a capacity exceeding 300 litres, whether or not lined or heat insulated, but not fitted with mechanical or thermal equipment ..	90% <i>ad val.</i>
76.10	Casks, drums, cans, boxes and similar containers (including rigid and collapsible tubular containers), of aluminium, of a description commonly used for the conveyance or packing of goods ..	90% <i>ad val.</i>
76.11	Containers, of aluminium, for compressed or liquified gas ..	90% <i>ad val.</i>
76.12	Stranded wire, cables, cordage, ropes, plaited bands and the like, of aluminium wire, but excluding insulated electric wires and cables.	90% <i>ad val.</i>
76.13	Gauze, cloth, grill, netting, reinforcing fabric and similar materials of aluminium wire	90% <i>ad val.</i>
76.14	Expanded metal, of aluminium	90% <i>ad val.</i>
76.15	Articles of a kind commonly used for domestic purposes, sanitary ware for indoor use, and parts of such articles and ware, of aluminium	120% <i>ad val.</i>
76.16	Other articles of aluminium :	
	A. Nails, bolts, nuts washers, rivets, screws and similar articles	90% <i>ad val.</i>
	B. Needles and pins :	
	(i) Hair and curling pins and curling grips.. ..	90% <i>ad val.</i>
	(ii) Other	90% <i>ad val.</i>
	C. Other articles :	
	(i) Castings or forgings of aluminium in the rough state.	80% <i>ad val.</i>
	(ii) Other :	
	(a) Aluminium slugs, round, other than falling within heading No. 76.03	80% <i>ad val.</i>
	(b) Other	120% <i>ad val.</i>

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77.01	Unwrought magnesium ; magnesim waste (including shavings of uniform size) and scrap :	
	A. Magnesium waste and scrap	40% <i>ad val.</i>
	B. Unwrought magnesium	40% <i>ad val.</i>
77.02	Wrought bars, rods, angles, shapes and sections, of magnesium ; magnesium wire ; wrought plates, sheets and strip of magnesium ; magnesium foil ; raspings and shavings of uniform size, powder, and flakes, of magnesium ; tubes and pipes and blanks therefor of magnesium ; hollow bars of magnesium :	
	A. Tubes and pipes ; foil ; hollow bars	80% <i>ad val.</i>
	B. Other	80% <i>ad val.</i>
77.03	Other articles of magnesium	120% <i>ad val.</i>
77.04	Beryllium, unwrought or wrought, and articles of beryllium :	
	A. Unwrought ; scrap and waste	40% <i>ad val.</i>
	B. Wrought	80% <i>ad val.</i>
	C. Articles of beryllium	120% <i>ad val.</i>
78.01	Unwrought lead (including argentiferous lead) ; lead waste and scrap :	
	A. Lead waste and scrap	40% <i>ad val.</i>
	B. Unwrought lead	40% <i>ad val.</i>
78.02	Wrought bars, rods, angles, shapes and sections, of lead ; lead wire	70% <i>ad val.</i>
78.03	Wrought plates, sheets and strip, of lead	70% <i>ad val.</i>
78.04	Lead foil (whether or not embossed, cut to shape, perforated, coated, printed, or backed with paper or other reinforcing material), of a weight (excluding any backing) not exceeding 1,700 g/m ² , lead powders and flakes	80% <i>ad val.</i>
78.05	Tubes and pipes and blanks therefor, of lead : hollow bars, and tube and pipe fittings (for example, joints, elbows, sockets, flanges and S-bends), of lead	80% <i>ad val.</i>
78.06	Other articles of lead ;	
	A. Containers for transport and storage	90% <i>ad val.</i>
	B. Sanitary articles and parts thereof	120% <i>ad val.</i>
	C. Other articles :	
	(i) Castings or forgings in the rough state	80% <i>ad val.</i>
	(ii) Other	120% <i>ad val.</i>
79.01	Unwrought zinc ; zinc waste and scrap :	
	A. Zinc waste and scrap	40% <i>ad val.</i>
	B. Unwrought zinc	40% <i>ad val.</i>
79.02	Wrought bars, rods, angles, shapes and sections, of zinc wire	70% <i>ad val.</i>

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79.03	Wrought plates ; sheets, shapes and sections, of zinc powders and flakes :	
	A. Zinc foil	70% <i>ad val.</i>
	B. Zinc dust (blue powder)	70% <i>ad val.</i>
	C. Other	70% <i>ad val.</i>
79.04	Tubes and pipes and blanks therefor, of zinc ; hollow bars, and tube and pipe fittings (for example, joints, elbows, sockets and flanges) of zinc	80% <i>ad val.</i>
79.05	Gutters, roof capping, skylight frames and other fabricated building components, of zinc	90% <i>ad val.</i>
79.06	Other articles of zinc :	
	A. Nails, bolts, nuts, washers, rivets, screws, and similar articles	90% <i>ad val.</i>
	B. House-hold utensils ; sanitary article and parts thereof	120% <i>ad val.</i>
	C. Containers for transport and storage	90% <i>ad val.</i>
	D. Other articles :	
	(i) Castings or forgings in the rough state	80% <i>ad val.</i>
	(ii) Other	120% <i>ad val.</i>
80.01	Unwrought tin ; tin waste and scrap :	
	A. Tin waste and scrap	40% <i>ad val.</i>
	B. Unwrought tin	40% <i>ad val.</i>
80.02	Wrought bars, rods, angles, shapes and sections, of tin : tin wire	70% <i>ad val.</i>
80.03	Wrought plates, sheets and strip, of tin	70% <i>ad val.</i>
80.04	Tin foil (whether or not embossed, cut to shape, perforated, coated, printed, or backed with paper or other reinforcing material), of a weight (excluding any backing) not exceeding 1 kg./m ² ; tin powders and flakes	70% <i>ad val.</i>
80.05	Tubes and pipes and blanks therefor, of tin ; hollow bars, and tube and pipe fittings (for example, joints, elbows, sockets and flanges), of tin	80% <i>ad val.</i>
80.06	Other articles of tin :	
	A. Castings or forgings in the rough state	80% <i>ad val.</i>
	B. Other	120% <i>ad val.</i>
81.01	Tungsten (wolfram), unwrought or wrought and articles thereof :	
	A. Unwrought	40% <i>ad val.</i>
	B. Wrought	70% <i>ad val.</i>
81.02	Molybdenum, unwrought or wrought and articles thereof :	
	A. Unwrought	40% <i>ad val.</i>
	B. Wrought	70% <i>ad val.</i>

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81.03	Tantalum unwrought or wrought and articles thereof :	..
	A. Unwrought	40% <i>ad val.</i>
	B. Wrought	70% <i>ad val.</i>
81.04	Other base metals, unwrought or wrought and articles thereof ; cermets, unwrought or wrought and articles thereof :	
	A. Unwrought	40% <i>ad val.</i>
	B. Wrought	70% <i>ad val.</i>
82.05	Interchangeable tools for hand tools, for machine tools or for power operated hand tools (for example for pressing, stamping, drilling, tapping, threading, milling, cutting, turning, dressing, morticing or screw driving) including dies for wire drawing, extrusion dies for metal, and rock drilling bits :	
	A. Twist drills paralleled shanks, of sizes 0.75 mm to 15 mm.	85% <i>ad val.</i>
	B. Other	85% <i>ad val.</i>
84.01	Steam and other vapour generating boilers (excluding central heating hot water boilers capable also of producing low pressure steam); super-heated water boilers :	
	A. Imported for the use of Pakistan International Airlines.	40% <i>ad val.</i>
	B. Other --	40% <i>ad val.</i>
84.02	Auxiliary plant for use with boilers (for example, economisers, superheaters, soot removers, gas recoverers and the like); con- densers for vapour engines and power units	40% <i>ad val.</i>
84.03	Producer gas and water gas generators with or without purifiers ; acetylene gas generators (water process) and similar gas genera- tors, with or without purifiers	40% <i>ad val.</i>
84.04	Steam engines (including mobile engines, but not steam tractors falling within heading No. 87.01 or mechanically propelled road rollers) with self-contained boilers	40% <i>ad val.</i>
84.05	Steam and other vapour power units, not incorporating boilers --	40% <i>ad val.</i>
84.06	Internal combustion piston engines :	
	A. Complete engines :	
	(i) for aircraft	40% <i>ad val.</i>
	(ii) for automotive vehicles	The rate appli- cable to the vehicle in which the engine would be fitted.
	(iii) Other :	
	(a) Horizontal slow speed oil engines upto and including 50 horse power and high speed oil engines upto and including 20 horse power ..	85% <i>ad val.</i>
	(b) Other --	40% <i>ad val.</i>

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	B. Parts of engines :	
	(i) for aircraft	40% <i>ad val.</i>
	(ii) Other :	
	(a) Parts of horizontal slow speed oil engines upto and including 50 horse power and high speed oil engines upto and including 20 horse power ..	85% <i>ad val.</i>
	(b) Parts of engines for automotive vehicles ..	115% <i>ad val.</i>
	(c) Parts and accessories of tractors ..	25% <i>ad val.</i>
	(d) Other	40% <i>ad val.</i>
	C. Aircraft engines and parts, imported for the use of Pakistan International Airlines	Free
84.07	Hydraulic engines and motors (including water wheels and water turbines)	40% <i>ad val.</i>
84.08	Other engines and motors :	
	A. Aircraft engines	40% <i>ad val.</i>
	B. Gas turbines other than for aircraft	40% <i>ad val.</i>
	C. Aircraft engines and parts imported for the use of Pakistan International Airlines	Free
	D. Other :	
	(i) Spring operated and weight operated motors ..	85% <i>ad val.</i>
	(ii) Other	40% <i>ad val.</i>
84.09	Mechanically propelled road rollers	40% <i>ad val.</i>
84.10	Pumps (including motors pumps and turbo pumps) for liquids, whether or not fitted with measuring devices, liquid elevators of bucket, chain, screw, band and similar kinds :	
	A. Fuel delivery pumps equipped with a measuring device and a self-contained electric motor of the kind used in filling stations ; centrifugal pumps of flanges connection suction and delivery sizes upto and including 8 in. into 8 in. (excluding pumps for automotive vehicles) and Deep Well turbine pumps having capacity range 1 cusec to 4 cusec water	85% <i>ad val.</i>
	B. For automotive vehicles	115% <i>ad val.</i>
	C. Other	40% <i>ad val.</i>
84.11	Air pumps, vacuum pumps and air or gas compressors (including motor and turbo pumps and compressors, and free-piston generators for gas turbines) ; fans, blowers and the like :	
	A. Foot pumps and hand pumps for motor cars and cycles. ..	85% <i>ad val.</i>
	B. Compressors for refrigerators and airconditioners ..	65% <i>ad val.</i>
	C. Other	40% <i>ad val.</i>
84.12	Air conditioning machines, self-contained, comprising a motor driven fan and elements for changing the temperature and humidity of air :	
	A. Requiring for their operation not more than 3 horse power	200% <i>ad val.</i>
	B. Other	200% <i>ad val.</i>

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84.13	Furnace burners for liquid fuel (atomisers), for pulverised solid fuel or for gas; mechanical stockers, mechanical grates, mechanical ash dischargers and similar appliances	40% <i>ad val.</i>
84.14	Industrial and laboratory furnaces and ovens, non-electric ..	40% <i>ad val.</i>
84.15	Refrigerators and refrigerating equipment (electrical and other) :	
	A. Refrigerators and deep freezers of a capacity not exceeding 25 cubic feet	Rs. 250.00 per cubic feet capacity.
	B. Other	120% <i>ad val.</i>
84.16	Calendering and similar rolling machines (other than metal-working and metal-rolling machines and glass-working machines) and cylinders therefor	40% <i>ad val.</i>
84.17	Machinery, plant and similar laboratory equipment, whether or not electrically heated, for the treatment of materials by a process, involving a change of temperature such as heating cooking, roasting, distilling, rectifying, sterilising, vapourising, condensing or cooling, not being machinery or plant of a kind used for domestic purposes : instantaneous or storage water-heaters, non-electrical :	
	A. Instantaneous and storage water heaters of a capacity not exceeding 4 and 20 gallons, respectively	160% <i>ad val.</i>
	B. Other	40% <i>ad val.</i>
84.18	Centrifuges; filtering and purifying machinery and apparatus (other than filter funnels, milk strainers and the like), for liquids or gases :	
	A. Cream separators	40% <i>ad val.</i>
	B. Centrifugal laundry driers requiring for their operation less than one horse power	160% <i>ad val.</i>
	C. Parts of motor vehicles	115% <i>ad val.</i>
	D. Other	40% <i>ad val.</i>
84.19	Machinery for cleaning or drying bottles or other containers; machinery for filling, closing, sealing, capsuling or labelling bottles, cans, boxes, bags or other containers; other packing or wrapping machinery; machinery for aerating beverages; dish washing machines :	
	A. Dish washing machines, electric, requiring for their operation not more than one-half of one horse power	160% <i>ad val.</i>
	B. Other	40% <i>ad val.</i>
84.20	Weighing machinery (excluding balances of a sensitivity of 5 cg or better), including weight-operated counting and checking machines; weighing machine weights of all kinds :	
	A. Weigh-bridges and automatic weighers (industrial)	40% <i>ad val.</i>
	B. Spring balances; house-hold and shop scales; baby scales; personal weighing scales (coin operated or not); weight operated counting scales; portable or mobile platform type scales	85% <i>ad val.</i>
	C. Other	85% <i>ad val.</i>

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84.21	Mechanical appliances (whether or not hand operated) for projecting, dispersing or spraying liquids or powders; fire extinguishers (charged or not); spray guns and similar appliances; steam or sand blasting machines and similar jet projecting machines	40% <i>ad val.</i>
84.22	Lifting, handling, loading or unloading machinery, telfers and conveyors (for example, lifts, hoists, winches, cranes, transporter cranes, jacks, pulley tackle belt conveyors and ferries) not being machinery falling within heading No. 84.23 : A. Passenger lifts and escalators and component parts and accessories thereof B. Portable jacks C. Other	85% <i>ad val.</i> 85% <i>ad val.</i> 40% <i>ad val.</i>
84.23	Excavating, levelling, tamping, boring and extracting machinery, stationary or mobile for earth, minerals or ores (for example, mechanical shovels, coal-cutters, excavators, scrapers, levellers and bulldozers); piledrivers, snow-ploughs, not self-propelled (including snow-plough attachments) : A. Mining machinery and component parts thereof B. Petroleum as well as drilling equipment and component parts thereof C. Other	25% <i>ad val.</i> 25% <i>ad val.</i> 40% <i>ad val.</i>
84.24	Agricultural and horticultural machinery for soil preparation or cultivation (for example, ploughs, harrows, cultivators, seed and fertiliser distributors); lawn and sports ground rollers : A. Chaff cutters B. Other	85% <i>ad val.</i> Free
84.25	Harvesting and threshing machinery; straw and fodder presses; hay or grass mowers; winnowing and similar cleaning machines for seed, grain or leguminous vegetables and egg-grading and other grading machines for agricultural produce (other than those of a kind used in the bread grain milling industry falling within heading No. 84.29)	Free
84.26	Dairy machinery (including milking machines)	40% <i>ad val.</i>
84.27	Presses, crushers and other machinery, of a kind used in wine-making, cider-making, fruit juice preparations or the like	40% <i>ad val.</i>
84.28	Other agricultural, horticultural, poultry-keeping and bee-keeping machinery; germination plant fitted with mechanical or thermal equipment; poultry incubators and brooders	Free
84.29	Machinery of a kind used in the bread grain milling industry, and other machinery (other than far type machinery) for the working of cereals or dried leguminous vegetables	40% <i>ad val.</i>
84.30	Machinery, not falling within any other heading of this Chapter, of a kind used in the following food or drink industries; bakery, confectionery, chocolate manufacture, macaroni, ravioli or similar cereal food manufacture, the preparation of meat, fish, fruit or vegetables (including mincing or slicing machines), sugar manufacture or brewing :	

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	A. Sugar manufacturing and refining machinery..	25% <i>ad val.</i>
	B. Other	40% <i>ad val.</i>
84.31	Machinery for making or finishing cellulosic pulp, paper or paper-board	40% <i>ad val.</i>
84.32	Book-binding machinery, including book-sewing machines ..	40% <i>ad val.</i>
84.33	Paper or paperboard cutting machines of all kinds ; other machinery for making up paper pulp, paper or paper-board	40% <i>ad val.</i>
84.34	Machinery, apparatus and accessories for typefoundry or type-setting ; machinery, other than the machine tools of heading No. 84.45, 84.46 or 84.47, for preparing or working printing blocks, plates, or cylinders; printing blocks, plates, cylinder's and lithographic stones, prepared for printing purposes (for example, planed, grained or polished) :	
	A. Printing type	30 paise per kg.
	B. Other	40% <i>ad val.</i>
84.35	Other printing machinery ; machines for uses ancillary to printing.	40% <i>ad val.</i>
84.36	Machines for extruding man-made textiles ; machines of a kind used for processing natural or man-made textile fibres ; textile spinning and twisting machines ; textile doubling, throwing and reeling (including weft-winding) machines :	
	A. Spinning frames	85% <i>ad val.</i>
	B. Machines for carding, spinning and washing of wool ..	25% <i>ad val.</i>
	C. Other	40% <i>ad val.</i>
84.37	Weaving machines, knitting machines and machines for making gimped yarn, tulle, lace, embroidery, trimmings, braid or net ; machines for preparing yarns for use on such machines including warping and warp sizing machines :	
	A. Knitting machines ; textile looms	85% <i>ad val.</i>
	B. Other	40% <i>ad val.</i>
84.38	Auxiliary machinery for use with machines of heading No. 84.37 (for example, dobbies, jacquards, automatic stop motions and shuttle changing mechanisms) ; parts and accessories suitable for use solely or principally with the machines of the present heading or with machines falling within heading No. 84.36 or 84.37 (for example, spindles and spindle flyers, card clothing, combs, extruding nipples, shuttles, healds and heald-lifters and hosiery needles) :	
	A. Parts and accessories suitable for use with carding, spinning and washing machines of wool	25% <i>ad val.</i>
	B. Healds ; reeds ; heald frames ; reaction and plain types shuttles ; traveller rings for spinning frames ; parts and accessories of knitting machines excluding hosiery needles.	85% <i>ad val.</i>
	C. Card clothing ; spinning and doubling rings and textile spindles	70% <i>ad val.</i>
	D. Other	40% <i>ad val.</i>

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84.39	Machinery for the manufacture or finishing of felt in the piece or in shapes, including felt-hat making machines and hat-making blocks	40% <i>ad val.</i>
84.40	Machinery for washing, cleaning, drying, bleaching, dyeing, dressing, finishing or coating textile yarns, fabrics or made-up textile articles (including laundry and dry-cleaning machinery); fabrics folding, reeling or cutting machines; machines of a kind used in the manufacture of linoleum or other floor coverings for applying the paste to the base fabric or other support; machines of a type used for printing a repetitive design, repetitive words or over all colour on textiles, leather, wall paper, wrapping paper, linoleum or other materials and engraved or etched plates, blocks or rollers therefor : A. Washing and drying machines requiring for their operation less than 1 horse power B. Other	160% <i>ad val.</i> 40% <i>ad val.</i>
84.41	Sewing machines; furniture specially designed for sewing machines, sewing machines needles : A. Sewing machines, electrically operated, requiring for their operation less than one-quarter of 1 horse power; furniture specially designed for such sewing machines and needles therefor B. Sewing machines worked by manual labour; furniture specially designed for such sewing machines and needles therefor C. Other	100% <i>ad val.</i> 85% <i>ad val.</i> 40% <i>ad val.</i>
84.42	Machinery (other than sewing machines) for operating, tanning or working hides, skins or leather (including boot and shoe machinery) : A. Boot and shoe manufacturing machinery B. Other	25% <i>ad val.</i> 40% <i>ad val.</i>
84.43	Converters, ladles, ingot moulds and casting machines, of a kind used in metallurgy and in metal foundries	25% <i>ad val.</i>
84.44	Rolling mills and rolls therefor : A. Cast iron rolls of 36 inches or less in diameter B. Other	85% <i>ad val.</i> 40% <i>ad val.</i>
84.45	Machine-tools for working metal or metal carbides, not being machines falling within heading No. 84.49 or 84.50 : A. Lathes (turning machines) : (i) of 3 feet to 15 feet bed length and height from 4 inches to 14 inches (ii) Turret, of spindle upto and including bar size one inch, centre height 4-1/2 inches and thread cutting and tapping capacity upto and including 1/2 inch (iii) Other	85% <i>ad val.</i> 85% <i>ad val.</i> 40% <i>ad val.</i>

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	B. Drilling machines :	
	(i) Pillar type upto and including 25 inches × 32 inches drilling capacity	85% <i>ad val.</i>
	(ii) Upright type upto and including 2 inches drilling capacity	85% <i>ad val.</i>
	(iii) Other :	
	(a) Having multiple speeds and reversible motors	40% <i>ad val.</i>
	(b) Other	85% <i>ad val.</i>
	C. Shaping machines :	
	(i) Having a stroke not exceeding 18 inches	85% <i>ad val.</i>
	(ii) Other	40% <i>ad val.</i>
	D. Sewing machines :	
	(i) High speed hacksaw machines for cutting diameter not exceeding 7 inches, of blade length 18 inches	85% <i>ad val.</i>
	(ii) Other	40% <i>ad val.</i>
	E. Grinding machines :	
	(i) Bench grinding machines fitted with meters of 50 cycles having RPM over 3000	85% <i>ad val.</i>
	(ii) Other	40% <i>ad val.</i>
	F. Honing, polishing, tapping and punching machines :	
	(i) Having multiple speed and reversible motors	40% <i>ad val.</i>
	(ii) Other	85% <i>ad val.</i>
	G. Power presses :	
	(i) Not exceeding 60 ton pressure	85% <i>ad val.</i>
	(ii) Other	40% <i>ad val.</i>
	H. Other	40% <i>ad val.</i>
84.46	Machine-tools for working stone, ceramics, concrete, asbestos-cement and like mineral materials or for working glass in the cold other than machines falling within heading No. 84.49	40% <i>ad val.</i>
84.47	Machine-tools for working wood, cork, bone, elonite (vulcanite) hard artificial plastic materials or other hard carving materials, other than machines falling within heading No. 84.49.. .. .	40% <i>ad val.</i>
84.48	Accessories and parts suitable for use solely or principally with the machines falling within headings No. 84.45 to 84.47 including work and tool holders, self-opening dieheads, dividing heads and other appliances for machine-tools ; tool holders for any type of tool or machine-tool for working in the hand :	
	A. Accessories and parts of machine-tools of sub-head A(i), B(i), B(ii), B(iii) (b), C(i), D(i), E(i), F(ii) and G(i) of heading No. 84.45	85% <i>ad val.</i>
	B. Other	40% <i>ad val.</i>
84.49	Tools for working in the hand, pneumatic or with self-contained non-electric motor	40% <i>ad val.</i>

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84.50	Gas-operated welding, brazing, cutting and surface tempering appliances	40% <i>ad val.</i>
84.51	Typewriters, other than typewriters incorporating calculating mechanism ; cheque-writing machines :	
	A. Urdu typewriters	Free.
	B. Other	55% <i>ad val.</i>
84.52	Calculating machines ; accounting machines, cash registers, postage franking machines, ticket-issuing machines and similar machines, incorporating a calculating device	55% <i>ad val.</i>
84.53	Automatic data processing machines and units thereof ; magnetic or optical readers, machines for transcribing data on to data media in coded form and machines for processing such data, not elsewhere specified or included	55% <i>ad val.</i>
84.54	Other office machines (for example, hectograph or stencil duplicating machines, addressing machines, coin-sorting machines, coin-counting and wrapping machines, pencil-sharpening machines, perforating and stapling machines)	55% <i>ad val.</i>
84.55	Parts and accessories (other than covers, carrying cases and the like) suitable for use solely or principally with machines of a kind falling within heading No. 84.51, 84.52, 84.53 or 84.54.	55% <i>ad val.</i>
84.56	Machinery for sorting, screening, separating, washing, crushing, grinding or mixing earth, stone, ores or other mineral substances, in solid (including powder and paste) form ; machinery for agglomerating, moulding or shaping solid mineral fuels, ceramic paste, unhardened cements, plastering materials or other mineral products in powder or paste form ; machines for forming foundry moulds of sand	40% <i>ad val.</i>
84.57	Glass-working machines (other than machines for working glass in the cold) ; machines for assembling electric and electronic and similar tubes and valves	40% <i>ad val.</i>
84.58	Automatic vending machines (for example, stamp, cigarette, chocolate and food machines), not being games of skill or chance.	85% <i>ad val.</i>
84.59	Machines and mechanical appliances, having individual functions, not falling within any other heading of this Chapter :	
	A. Nuclear reactors	40% <i>ad val.</i>
	B. Other :	
	(i) Oil crushing and refining machinery and component parts thereof	25% <i>ad val.</i>
	(ii) Other	40% <i>ad val.</i>
84.60	Moulding boxes for metal foundry ; moulds of a type used for metal (other than ingot moulds), for metal carbides, for glass, for mineral materials (for example, ceramic pastes, concrete or cement) or for rubber or artificial plastic materials	40% <i>ad val.</i>
84.61	Taps, cocks, valves and similar appliances, for pipes, boiler shells, tanks, vats and the like, including pressure reducing valves and thermostatically controlled valves ;	
	A. Sanitary or plumbing fittings	100% <i>ad val.</i>

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	B. Valves of a kind commonly used with pneumatic tyres and tubes	85% <i>ad val.</i>
	C. Other	40% <i>ad val.</i>
84.62	Ball, roller or needle roller bearings :	
	A. Ball and roller bearings over 2 inch bore (internal diameter)	25% <i>ad val.</i>
	B. Other	40% <i>ad val.</i>
84.63	Transmission shafts, cranks, bearing housings, plain shaft bearings, gears and gearing (including friction gears and gear-boxes, and other variable speed gears), fly-wheels, pulleys and pulley blocks, clutches and shaft couplings :	
	A. Ball and roller bearings complete with pedestal or housing specially designed for use exclusively with power driven machinery	25% <i>ad val.</i>
	B. Articles for automotive vehicles	115% <i>ad val.</i>
	C. Other	40% <i>ad val.</i>
84.64	Gaskets and similar joints of metal sheeting combined with other material (for example, asbestos, felt and paperboard) or of laminated metal foil ; sets or assortments of gaskets and similar joints, dissimilar in composition, for engines, pipes, tubes and the like, put up in pouches, envelopes or similar packages :	
	A. For automotive vehicles	115% <i>ad val.</i>
	B. Other	40% <i>ad val.</i>
84.65	Machinery parts, not containing electrical connectors, insulators, coils, contacts or other electrical features and not falling within any other heading in this Chapter	40% <i>ad val.</i>
85.01	Electrical goods of the following descriptions ; generators, motors, converters (rotary or static), transformers, rectifiers and rectifying apparatus, inductors :	
	A. Electric motors :	
	(i) Of size 1/2 h.p. to 60 h.p.	85% <i>ad val.</i>
	(ii) Hollow shafts, for deep well turbine pumps, of sizes 1/2 h.p. to 80 h.p.	85% <i>ad val.</i>
	(iii) Other	85% <i>ad val.</i>
	B. Transformers :	
	(i) Instrument	40% <i>ad val.</i>
	(ii) Other :	
	(a) Rated for use at nominal system voltages upto and including 33000 and having a KVA rating not exceeding 1500	85% <i>ad val.</i>
	(b) Other	40% <i>ad val.</i>

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	C. Other :	
	(i) Ballast chokes of a kind used for fluorescent lighting	85% <i>ad val.</i>
	(ii) Of a kind suitable for use or generally similar to those used, in radio and television transmitters or receivers or audio-amplifiers	85% <i>ad val.</i>
	(iii) Other :	
	(a) Electric generators, generating sets and component parts thereof	25% <i>ad al.</i>
	(b) Other	40% <i>ad val.</i>
85.02	Electro-magnets : permanent magnets and articles of special materials for permanent magnets, being blanks of such magnets ; electro-magnetic and permanent magnet chucks, clamps, vices and similar work holders ; electro-magnetic clutches and couplings, electro-magnetic brakes ; electro-magnetic lifting heads	40% <i>ad val.</i>
85.03	Primary cells and primary batteries :	
	A. Zinc cups and brass caps used in the manufacture of primary cells and batteries	70% <i>ad val.</i>
	B. Other	100% <i>ad val.</i>
85.04	Electric accumulators :	
	A. Batteries for Miner's safety lamps and covers and containers thereof	<i>Free.</i>
	B. Other	100% <i>ad val.</i>
85.05	Tools for working in the hand with self-contained electric motor.	40% <i>ad val.</i>
85.06	Electro-mechanical domestic appliances, with self-contained electric motor	160% <i>ad val.</i>
85.07	Shavers and hair clippers, with self contained electric motor	160% <i>ad val.</i>
85.08	Electric starting and ignition equipment for internal combustion engines (including ignition magnetes, magnete-dynames, ignition dails, coils starter motors, sparking plugs and glow plugs) ; generators (dynamos and alter-generators) and cut-outs for use in conjunction with such engines :	
	A. Articles for use exclusively on aircraft engines imported for the use of Pakistan International Airlines	<i>Free.</i>
	B. For aircraft engines	35% <i>ad val.</i>
	C. Other :	
	(i) For automotive vehicles excluding sparking plugs of 14 and 18 mm	100% <i>ad val.</i>
	(ii) Sparking plugs of 14 and 18 mm	130% <i>ad val.</i>
	(iii) Other	40% <i>ad val.</i>
85.09	Electrical lighting and signalling equipment and electrical wind-screen wipers, defrosters and demisters, for cycles or motor vehicles :	
	A. For automotive vehicles	115% <i>ad val.</i>
	B. Other	85% <i>ad val.</i>

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85.10	Portable electric battery and magnet lamps, other than lamps falling within heading No. 85.09 :	
	A. Morse signalling lamps ; safety lamps ; examination lamps :	
	(i) Miner's safety lamps and parts	Free.
	(ii) Other	55% ad val.
	B. Other	85% ad val.
85.11	Industrial and laboratory electric furnaces, ovens and induction and electric heating equipment ; electric welding brazing and soldering machines and apparatus and similar electric machines and apparatus for cutting :	
	A. Electrical welding machines of a capacity not exceeding 300 maps.	85% ad val.
	B. Other	40% ad val.
85.12	Electric instantaneous or storage water heaters and immersion heaters ; electric soil heating apparatus and electric space heating apparatus ; electric hair dressing appliances (for example, hair dryers, hair curlers, curling tong heaters) and electric smoothing irons ; electro-thermic domestic appliances ; electric heating resistors, other than those of carbon :	
	A. Electrical space heating and soil heating apparatus and electric heating resistors and parts thereof	40% ad val.
	B. Other	160% ad val.
85.13	Electrical line telephonic and telegraphic apparatus (including such apparatus for carrier-current line systems)	100% ad val.
85.14	Microphones and stands thereof ; loudspeakers ; audio-frequency electric amplifiers :	
	A. Suitable for use solely in telephony	85% ad val.
	B. Other	85% ad val.
85.15	Radio telegraphic and radiotelephonic transmission and reception apparatus ; radio-broadcasting and television transmission and reception apparatus (including receivers incorporating sound recorders or reproducers) and television camera ; radio navigational aid apparatus, radar apparatus and radio remote control apparatus :	
	A. Radio-broadcasting and television reception apparatus of the domestic or portable type (including sets designed or adapted for fitting to motor vehicles) :	
	(i) Television reception apparatus	75% ad val.
	(ii) Other	120% ad val.
	B. Other :	
	(i) Wireless and radio transmission and reception apparatus for installation in aircraft	Free.
	(ii) Articles imported by or on behalf of Government of Pakistan or a Provincial Government	40% ad val.
	(iii) Other	85% ad val.

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85.16	Electric traffic control equipment for railways, roads or inland water-ways and equipment used for similar purposes in port installations or upon airfields	40% <i>ad val.</i>
85.17	Electric sound or visual signalling apparatus (such as bells, sirens, indicator panels, burglar and fire alarms), other than those of heading No. 85.09 or 85.16	85% <i>ad val.</i>
85.18	Electrical capacitors, fixed or variable	40% <i>ad val.</i>
85.19	Electrical apparatus for making and breaking electrical circuits, for the protection of electrical circuits, or for making connections to or in electrical circuits (for example, switches, relays, fuses, lighting arrestors, surge suppressors, plugs, lamp-holders and junction boxes) ; resister, fixed or variable (including potentiometers) other than heating resisters ; printed circuits ; switch-boards (other than telephone switch-boards) and control panels:	
	A. Apparatus for making and breaking electrical circuits for the protection of electrical circuits or for making connection to or in electrical-circuits :	
	(i) Switches :	
	(a) For pressure not exceeding 500 volts and having a rated current carrying capacity not exceeding 60 amperes	85% <i>ad val.</i>
	(b) Other	40% <i>ad val.</i>
	(ii) Fuses :	
	(a) For pressure not exceeding 500 volts and having a rated current carrying capacity not exceeding 60 amperes	85% <i>ad val.</i>
	(b) Other	40% <i>ad val.</i>
	(iii) Switch gear, being switches incorporating protective devices :	
	(a) for pressure not exceeding 11000 volts	85% <i>ad val.</i>
	(b) Other	40% <i>ad val.</i>
	(iv) Other	40% <i>ad val.</i>
	B. Resisters, fixed or variable (including potentiometers) other than heating resisters	40% <i>ad val.</i>
	C. Switch board and control panels	40% <i>ad val.</i>
	D. Other	85% <i>ad val.</i>
85.20	Electric filament lamps and electric discharge lamps (including infra-red and ultra-violet lamps) are lamps ; electrically ignited photographic flash bulbs :	
	A. Filament lamps ; discharge lamps (including fluorescent tubes) ; electrically ignited photographic flash bulbs :	
	(i) Two filament bulbs for miner's safety lamps	Free.
	(ii) Filament lamps 500 watts and above	40% <i>ad val.</i>
	(iii) Other	160% <i>ad val.</i>
	B. Ultra-violet lamps ; infra-red lamps ; arc lamps	40% <i>ad val.</i>
	C. Parts	40% <i>ad val.</i>

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85.21	Thermionic, cold cathode and photocathode valves and tubes (including vapour or gas filled valves and tubes, cathode-ray tubes, television camera tubes and mercury arc rectifying valves and tubes) ; photocells ; mounted piezo-electric crystals ; diodes, transistors and similar semi-conductor devices ; electronic micro-circuits :	
	A. Cathode ray tubes.. .. .	40% <i>ad val.</i>
	B. Mounted transistor and similar mounted devices incorporating semi-conductors	85% <i>ad val.</i>
	C. Photocells	85% <i>ad val.</i>
	D. Mounted piezo-electric crystals	40% <i>ad val.</i>
	E. Other	100% <i>ad val.</i>
85.22	Electrical appliances and apparatus ; having individual functions, not falling within any other heading of this Chapter :	
	A. Particle accelerators	40% <i>ad val.</i>
	B. Other	40% <i>ad val.</i>
85.23	Insulated (including enamelled or anedised) electric wire, cable, bars, strip and the like (including co-axial cable), whether or not fitted with connectors :	
	A. Wires and cables, any one core of which, not specially designated as a pilot core, has a sectional area of less than one-eightieth part of a square inch, but excluding winding wires	85% <i>ad val.</i>
	B. Other :	
	(i) Enamelled copper wire.. .. .	100% <i>ad val.</i>
	(ii) Other	70% <i>ad val.</i>
85.24	Carbon brushes, arc-lamp carbons, battery carbons, carbon electrodes and other carbon articles of a kind used for electrical purposes :	
	A. Electrodes for miner's safety lamps	Free.
	B. For automotive vehicles	80% <i>ad val.</i>
	C. Other	40% <i>ad val.</i>
85.25	Insulators of any material :	
	A. Porcelain insulators	85% <i>ad val.</i>
	B. Other	40% <i>ad val.</i>
85.26	Insulating fittings for electrical machines, appliances or equipment, being fittings wholly of insulating material apart from any minor components of metal incorporated during moulding solely for purposes of assembly, but not including insulators falling within heading No. 85.25 :	
	A. Designed exclusively for use in circuits of over 30 amperes and at a pressure not exceeding 500 volts ; also those designed exclusively for use in circuits of any amperage provided the pressure exceeds 500 volts	40% <i>ad val.</i>
	B. Other	85% <i>ad val.</i>

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85.27	Electrical conduit tubing and joints therefor, of base metal lined with insulating material	40% <i>ad val.</i>
85.28	Electrical part of machinery and apparatus, not being goods falling within any of the preceding headings of this Chapter ..	40% <i>ad val.</i>
86.01	Steam rail locomotives and tenders	40% <i>ad val.</i>
86.02	Electric rail locomotives, battery operated or powered from an external source of electricity	40% <i>ad val.</i>
86.03	Other rail locomotives	40% <i>ad val.</i>
86.04	Mechanically propelled railway and tramway coaches, vans and trucks, and mechanically propelled track inspection trolleys ..	40% <i>ad val.</i>
86.05	Railway and tramway passenger coaches and luggage vans ; hospital coaches, prison coaches, testing coaches, travelling post office coaches	40% <i>ad val.</i>
86.06	Railway and tramway rolling-stock, the following : workshops, cranes and other service vehicles	40% <i>ad val.</i>
86.07	Railway and tramway goods vans, goods wagons and trucks ..	40% <i>ad val.</i>
86.08	Containers specially designed and equipped for carriage by one or more modes of transport	40% <i>ad val.</i>
86.09	Parts of railway and tramway locomotives and rolling stock ..	40% <i>ad val.</i>
86.10	Railway and tramway track fixtures and fittings ; mechanical equipment, not electrically powered, for signalling to or controlling road, rail or other vehicles, ships or aircrafts ; parts of the foregoing fixtures, fittings or equipment	40% <i>ad val.</i>
87.02	Motor vehicles for the transport of persons, goods or materials (including sports motor vehicles, other than those of heading No. 87.09) :	
	A. New motor cars including station wagons built on car chassis, the value of which :	
	(i) does not exceed Rs. 18,000 per vehicle	115% <i>ad val.</i>
	(ii) exceeds Rs. 18,000 but does not exceed Rs. 25,000 per vehicle	175% <i>ad val.</i>
	(iii) exceeds Rs. 25,000 but does not exceed Rs. 35,000 per vehicle	250% <i>ad val.</i>
	(iv) exceeds Rs. 35,000 per vehicle	350% <i>ad val.</i>
87.06	Parts and accessories of the motor vehicles falling within heading No. 87.01, 87.02 or 87.03 :	
	A. Parts and accessories of tractors	25% <i>ad val.</i>
	B. Parts and accessories of motor vehicles	115% <i>ad val.</i>

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C. Other :

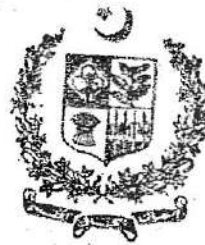
	(i) Chassis-frames	..	..	..	..	The duty applicable to the vehicle of which they form part.
	(ii) Other	..	..	..	..	115% <i>ad val.</i>
89.04	Ships, boats and other vessels for breaking up	..	..	..	..	50% <i>ad val.</i>

N. B.—Articles contained in any such vessel mentioned above, not forming part of her necessary tackle (*e.g.* apparel, furniture, crockery, cutlery, and the like) shall be assessed to duty separately under the appropriate headings of the Tariff.

FAZAL ELAHI CHAUDHRY,
President.

K. M. A. SAMDANI,
Secretary.

The Gazette of Pakistan



EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, WEDNESDAY, JULY 5, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS
(Law Division)

Islamabad, the 5th July, 1978

No. F. 24 (2)/78-Pub.—The following Order made by the President on the 4th July, 1978 is hereby published for general information:—

THE FEDERAL MINISTER'S OATH OF OFFICE ORDER, 1978

PRESIDENT'S ORDER No. 9 of 1978

In pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (CMLA Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order:—

1. (1) This Order may be called the Federal Minister's Oath of Office Order, 1978.
- (2) It shall come into force at once.
2. The President may appoint any person to be a Federal Minister.
3. A person appointed to be a Federal Minister shall make before the President oath in the form set out in the Schedule.

(189)

Price : Ps. 9

[812 Ex. Gaz.]

THE SCHEDULE

(See Article 3)

I, _____, do solemnly swear
that I will bear true faith and allegiance to Pakistan :

That, as Federal Minister, I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully in accordance with the law, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of Pakistan :

That I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan :

That I will not allow my personal interest to influence my official conduct or my official decisions :

That, in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will :

And that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as Federal Minister, except as may be required for the due discharge of my duties as Federal Minister, or as may be specially permitted by the Chief Martial Law Administrator.

FAZAL ELAHI CHAUDHRY,
President.

K. M. A. SAMDANI,
Secretary.

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, THURSDAY, JULY 6, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 6th July, 1978

No. F. 24 (1)/78-Pub.—The following Ordinance made by the President on the 29th June, 1978 is hereby published for general information:—

ORDINANCE No. XXXII OF 1978

AN

ORDINANCE

further to amend the Capital Issues (Continuance of Control) Act, 1947

WHEREAS it is expedient further to amend the Capital Issues (Continuance of Control) Act, 1947 (XXIX of 1947), for the purpose hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement.—(1) This Ordinance may be called the Capital Issues (Continuance of Control) (Amendment) Ordinance, 1978.

(191)

Price: Ps. 9

(2) It shall come into force at once and shall be deemed to have taken effect on the first day of January, 1972.

2. Amendment of section 3, Act XXIX of 1947.—In the Capital Issues (Continuance of Control) Act, 1947 (XXIX of 1947), in section 3, for sub-section (4) the following shall be substituted, namely :—

“(4) Notwithstanding anything contained in the Companies Act, 1913 (VII of 1913), or in any other law for the time being in force, or in any contract or the articles or memorandum of association of any company, any consent or recognition accorded under sub-section (2) or under sub-section (3), whether before or after the commencement of this sub-section, shall be subject to such conditions as the Federal Government may, if it is of opinion that it is necessary so to do in the public interest or in the interest of the company, impose from time to time.

(4A) In particular and without prejudice to the generality of the foregoing power, such conditions may relate to the nature, valuation and manner of disposal of securities, issue of prospectus, brokerage and underwriting commission, listing of securities, quorum of meetings, qualification of directors, management expenses or managerial remuneration, valuation of assets including depreciation, and distribution of cash and stock dividend.”.

FAZAL ELAHI CHAUDHRY,
President.

C. A. REHMAN,
Additional Secretary.

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, MONDAY, JULY 10, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 10th July, 1978

No. F. 24(2)/78-Pub.—The following Order made by the President on the 9th July, 1978 is hereby published for general information :—

PRESIDENT'S ORDER No. 10 OF 1978

THE FEDERAL MINISTERS' OATH OF OFFICE (AMENDMENT) ORDER, 1978

In pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order :—

1. **Short title and commencement.**—(1) This Order may be called the Federal Ministers' Oath of Office (Amendment) Order, 1978.

(2) It shall come into force at once.

2. **Amendment of Article 2, P. O. No. 9 of 1978.**—In the Federal Ministers' Oath of Office Order, 1978 (P.O. No. 9 of 1978), hereinafter referred to as the said Order, in Article 2, after the word "Minister" at the end, the words "or Minister of State on such terms and conditions as the President may determine" shall be added.

3. **Insertion of new Article 2A, P. O. No. 9 of 1978.**—In the said Order, after Article 2 amended as aforesaid, the following new Article shall be inserted, namely :—

"2A. A Federal Minister and a Minister of State shall hold office during the pleasure of the President."

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Price : Ps. 9

4. **Amendment of Article 3, P.O. No. 9 of 1978.**—In the said Order, in Article 3, after the word “Minister”, the words “or Minister of State” shall be inserted.

5. **Addition of new Articles 4, 5 and 6, P.O. No. 9 of 1978.**—In the said Order, after Article 3 amended as aforesaid, the following new Articles shall be added, namely :—

- “4. A Federal Minister or a Minister of State may, by writing under his hand addressed to the President, resign his office.
5. A person who, immediately before his appointment as a Federal Minister or a Minister of State, was in the service of Pakistan shall continue to hold his post or office in that service and his terms and conditions on such appointment shall not be varied to his disadvantage.
6. Any appointment of a Minister of State made, and oath taken by him, before the commencement of the Federal Ministers’ Oath of Office (Amendment) Order, 1978, shall be deemed to have been validly made and taken under this Order”.

6. **Amendment of the Schedule, P.O. No. 9 of 1978.**—In the said Order, in the Schedule, for the words “Federal Minister”, wherever occurring, the words and brackets “Federal Minister (or Minister of State)” shall be substituted.

FAZAL ELAHI CHAUDHRY,
President.

K. M. A. SAMDANI,
Secretary.

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, MONDAY, JULY 17, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS
(Law Division)

Islamabad, the 17th July, 1978

No. F. 24 (1)/78-Pub.—The following Ordinance made by the President on the 11th June, 1978 is hereby published for general information:—

ORDINANCE No. XXXIII OF 1978

AN

ORDINANCE

to provide for the proper administration of the affairs of the Islamabad Club

WHEREAS it is expedient to provide for the proper administration of the affairs of the Islamabad Club;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (CMLA Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. **Short title and commencement.**—(1) This Ordinance may be called the Islamabad Club (Administration) Ordinance, 1978.

(2) It shall come into force on such day as the Federal Government may, by notification in the official Gazette, appoint.

2. **Definitions.**—In this Ordinance, unless there is anything repugnant in the subject or context,—

(a) "Administrator" means the Administrator appointed under section 5;

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- (b) "company" means the company registered under the Companies Act, 1913 (VII of 1913), under the name of the Islamabad Club;
- (c) "Islamabad Club" means the club set up by the company and generally known by that name; and
- (d) "Managing Committee" means the Managing Committee set up under section 5.

3. **Ordinance to over-ride other laws.**—This Ordinance shall have effect notwithstanding anything contained in the Companies Act, 1913 (VII of 1913), or any other law for the time being in force.

4. **Dissolution of Company, etc.**—On the commencement of this Ordinance,—

- (a) the Company shall stand dissolved;
- (b) any person exercising or having the right to exercise immediately before such commencement any power or function in relation to the Islamabad Club shall cease to exercise or to have the right to exercise such power or function;
- (c) the administration of the affairs of the Islamabad Club shall vest in the Administrator;
- (d) all assets, rights, powers, authorities and privileges, all property, movable and immovable, cash and bank balances, reserve funds, investments and all other interests and rights in, or arising out of, such property, of the Company shall stand transferred to, and vest in, the Administrator;
- (e) all debts and liabilities incurred, all obligations undertaken, all contracts entered into, and all agreements made by or with the Company, shall stand transferred to, and be deemed to have been incurred, undertaken, entered into or made, by or with, the Administrator;
- (f) any sum payable to, or recoverable by, the Company shall be deemed to be payable to, or recoverable by, the Administrator; and
- (g) all suits and other legal proceedings instituted by or against the Company before such commencement shall be deemed to have been instituted by or against the Administrator and may be continued or proceeded with accordingly.

5. **Appointment of Administrator and Managing Committee, etc.**—(1) The Federal Government shall appoint an Administrator for the administration of the affairs of the Islamabad Club.

(2) To aid and advise the Administrator in the performance of his functions, the Federal Government shall constitute a Managing Committee consisting of such persons as it may appoint to be members thereof.

(3) The Administrator shall, subject to any direction issued by the Federal Government, be competent to exercise all such powers and perform all such functions as may be necessary for the efficient administration of the affairs of the Islamabad Club.

(4) The Administrator shall be a corporation sole and may sue or be sued in his corporate name.

(5) The Administrator and a member of the Managing Committee shall hold office during the pleasure of the Federal Government.

(6) Neither the Administrator nor a member of the Managing Committee shall be personally liable in respect of any debt or liability incurred, obligation undertaken, contract entered into, or agreement made, by the Company.

6. **Future management of the Islamabad Club.**—Within six months of the commencement of this Ordinance, the Administrator shall, in consultation with the Managing Committee, prepare and submit to the Federal Government detailed proposals as to—

- (a) the future organisational set up of the Islamabad Club;
- (b) financial and administrative measures designed to make the Islamabad Club a viable proposition; and
- (c) the recovery of the arrears and dues of the Islamabad Club.

7. **Continuance in service employees.**—Unless the Administrator otherwise directs in any particular case, all the employees of the Company in employment immediately before the commencement of the Ordinance shall continue in their respective employments on the same terms and conditions as were applicable to them immediately before such commencement.

8. **Bar of jurisdiction.**—No court shall grant any injunction or make any order or entertain any proceedings in relation to anything in good faith done or intended to be done under this Ordinance.

9. **Indemnity.**—No suit or other legal proceeding shall lie against the Federal Government or the Administrator or any other person in respect of anything in good faith done or intended to be done under this Ordinance.

10. **Power to make rules.**—The Federal Government may make rules for carrying out the purposes of this Ordinance.

11. **Removal of difficulties.**—If any difficulty arises in giving effect to any provision of this Ordinance, the Federal Government may make such order, not inconsistent with the provisions of this Ordinance, as may appear to it to be necessary for the purpose of removing the difficulty.

FAZAL ELAHI CHAUDHRY,

President.

C. A. RAHMAN,

Additional Secretary.

CORRIGENDUM

[to the Gazette of Pakistan, Extraordinary, Part I, dated the 6th July, 1978, containing Ordinance No. XXXII of 1978.]

Page 192 : In line 13, for "interest of the company," read "interest of the shareholders of the company,".

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, TUESDAY, JULY 25, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 25th July, 1978

No. F. 24 (1)/78-Pub.—The following Ordinance made by the President on the 20th July, 1978 is hereby published for general information:—

ORDINANCE No. XXXIV of 1978

AN

ORDINANCE

further to amend the Central Excises and Salt Act, 1944

WHEREAS it is expedient further to amend the Central Excises and Salt Act, 1944 (I of 1944), for the purposes hereinafter appearing ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (CMLA Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Central Excises and Salt (Amendment) Ordinance, 1978.

(203)

Price : Ps. 9

(2) It shall come into force at once and shall be deemed to have taken effect on the first day of July, 1978.

2. **Amendment of Act I of 1944.**—In the Central Excises and Salt Act, 1944 (I of 1944), in the First Schedule, in Part I,—

(1) for item No. 5 in column 1 and the entries relating thereto in columns 2 and 3 the following shall be substituted, namely:—

“5. *Vegetable Products*—

“Vegetable Product” means any vegetable oil or fat, which whether by itself or in admixture with any other substance, has by hydrogenation or by any other process been hardened for human consumption—

(1) if packed in containers on which are legibly, prominently and indelibly printed—

(i) Packings containing Two rupees and sixty-five paise per kg. not more than 2.5 kgs.

(ii) Packings containing Two rupees and eighty-five paise per kg. more than 2.5 kgs. but not more than 5 kgs.

(iii) Packings containing Three rupees and five paise per kg. more than 5 kgs but not more than 16 kgs.

(iv) Packings containing Three rupees and sixty paise per kg. more than 16 kgs.

(2) if not covered by sub-item (1) 200 per cent *ad valorem*.”; and

(2) for items No. 9 in column 1 and the entries relating thereto in columns 2 and 3 the following shall be substituted, namely:—

“9. *Cement*—

“Cement” includes clinker but does not include products known as or used as cement paints—

(1) White or coloured cement Three hundred and fifty-six rupees per tonne.

(2) All other sorts of cement Two hundred and ninety-three rupees per tonne.”

3. **Withdrawal of exemption.**—Any exemption granted under section 12A of the Central Excises and Salt Act, 1944 (I of 1944), in respect of vegetable product or cement which is inconsistent with the provisions of this Ordinance shall have no effect and shall be deemed to have been withdrawn on the coming into force of this Ordinance.

FAZAL ELAHI CHAUDHRY,
President.

K. M. A. SAMDANI,
Secretary.

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, TUESDAY, AUGUST 8, 1978

PART I

Acts, Ordinances, President's Orders and Regulations, including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 8th August, 1978

No. F. 24 (2) 78-Pub.—The following order made by the president on the 6th August, 1978 is hereby published for general information:—

THE HIGH COURT JUDGES (LEAVE, PENSION AND PRIVILEGES) (AMENDMENT) ORDER, 1978.

PRESIDENT'S ORDER No. 11 of 1978

WHEREAS it is expedient further to amend the High Court Judges (Leave, Pension and Privileges) Order, 1970 (P.O. No. 9 of 1970).

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 [C.M.L.A. Order No. 1 of 1977], and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order, namely:—

1. **Short title and commencement.**—(1) This Order may be called the High Court Judges (Leave, Pension and Privileges) (Amendment) Order, 1978.

(2) It shall come into force at once.

2. **Amendment of paragraph 21, P.O. No. 9 of 1970.**—In the High Court Judges (Leave, Pension and Privileges) Order, 1970 (P.O. No. 9 of 1970), in paragraph 21, for the full stop at the end a colon shall be substituted and there-after the following proviso shall be added, namely:—

“Provided that a Judge who had opted to be governed by the provisions applicable to him before such commencement and who has retired, or retires, as such after the fourteenth day of August, 1973, may,

(207)

Price : Ps. 19

within six months from the commencement of the High Court Judges (Leave, Pension and Privileges) (Amendment) Order, 1978, or, as the case may be, from the day on which he retires, opt to be governed by the provisions of this Order.”

FAZAL ELAHI CHAUDHRY,
President.

K. M. A. SAMDANI,
Secretary.

No. F. 24 (1)/78-Pub.—The following Ordinance made by the President on the 6th August, 1978 is hereby published for general information:—

ORDINANCE No. XXXV OF 1978

AN

ORDINANCE

further to amend the Succession Act, 1925

WHEREAS it is expedient further to amend the Succession Act, 1925 (XXXIX of 1925), for the purpose hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. **Short title and commencement.**—(1) This Ordinance may be called the Succession (Amendment) Ordinance, 1978.

(2) It shall come into force at once.

2. **Amendment of section 213, Act XXXIX of 1925.**—In the Succession Act, 1925 (XXXIX of 1925), in section 213, for sub-section (2) the following shall be substituted, namely:—

“(2) Sub-section (1) shall not apply in the case of wills made by Muslims and Parsis, and shall only apply in the case of wills made by any Hindu, Buddhist, Sikh or Jaina, where such wills are of the classes specified in clauses (a) and (b) of section 57.”

FAZAL ELAHI CHAUDHRY,
President.

K. M. A. SAMDANI,
Secretary.

CORRIGENDA

[to the Gazette of Pakistan, Extraordinary, Part I, dated the 1st July, 1978 and 25th July, 1978, containing Ordinances No. XXXI of 1978 and No. XXXIV of 1978, respectively.]

- Page 153 : In line 3, for "paragraphs bears" read "paragraph as bears".
- " 159 : Against heading 39.05, in column 2, in line 12, for "plasite" read "plastic".
- " 161 : Against heading 40.13, in column 2, in line 2, for "vulcaniesd" read "vulcanised".
- " 163 : Against heading 51.02, in column 2, in lines 4 and 6, for "aluminium" read "aluminium".
- " 165 : Against heading 73.11, in columns 2 and 3, add the following:—
"B. Other 70% ad val."
- " 172 : Against heading 77.01, in column 2, in line 1, for "magneisum" occurring for the second time, read "magnesium".
- " 173 : Against heading 80.05, in column 2, in line 2, for "sokets" read "sockets".
- " 185 : Against heading 85.19, in column 2, in line 10, for "electrical-cercuits" read "electrical circuits".
- " 186 : Against heading 85.24, in column 2, in line 1, for "battary" read "battery" and in line 4, for "miner's" read "miners".
- " 188 : Against heading 89.04, in column 2, in the last line, for "appo-
prieate" read "appropriate".
-
- „ 204 : In line 7, for "products—" read "product—".
: In line 29, for "items" read "item".

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, SUNDAY, AUGUST 27, 1978

PART I

**Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations**

GOVERNMENT OF PAKISTAN

**MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS
(Law Division)**

Islamabad, the 27th August, 1978

No. F. 24 (1)/78-Pub.—The following Ordinance made by the President on the 23rd August, 1978 is hereby published for general information :—

ORDINANCE No. XXXVI of 1978

AN

ORDINANCE

further to amend the Pakistan Essential Services (Maintenance) Act, 1952

WHEREAS it is expedient further to amend the Pakistan Essential Services (Maintenance) Act, 1952 (LIII of 1952), for the purpose hereinafter appearing ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to make immediate action ;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Pakistan Essential Services (Maintenance) (Amendment) Ordinance, 1978.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once and shall be deemed to have taken effect on the twenty-fifth day of January, 1978.

(219)

Price : Ps. 9

2. Amendment of section 6, Act LIII of 1952.—In the Pakistan Essential Services (Maintenance) Act, 1952 (LIII of 1952), in section 6, after sub-section (1), the following new sub-section shall be added, namely :—

“(1A) Notwithstanding any provision in any such rules or directions regulating wages and other conditions of service, including any rules made or directions given before the commencement of the Pakistan Essential Services (Maintenance) (Amendment) Ordinance, 1978, as to the day on which they shall come into force, the Federal Government may direct that they shall be deemed to have taken effect on such day, not preceding the day on which such rules were made or directions were given, as the Federal Government may specify.”.

FAZAL ELAHI CHAUDHRY,

President.

MIR MOHAMMAD ALI,

Draftsman and Additional Secretary.

The Gazette of Pakistan



EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, MONDAY, AUGUST 28, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 28th August, 1978

No. F. 24 (1)/78-Pub.—The following Ordinance made by the President on the 23rd August, 1978 is hereby published for general information:—

ORDINANCE No. XXXVII OF 1978

AN

ORDINANCE

to amend the Central Excises and Salt (Amendment) Ordinance, 1978.

WHEREAS it is expedient further to amend the Central Excises and Salt (Amendment) Ordinance, 1978 (XXXIV of 1978), for the purpose hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (CMLA Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. **Short title and commencement.**—(1) This Ordinance may be called the Central Excises and Salt (Second Amendment) Ordinance, 1978.

(221)

Price : Ps. 9

[2212 Ex. Gaz.]

(2) It shall come into force at once and shall be deemed to **have** taken effect on the first day of July, 1978.

2. **Amendment of Ordinance No. XXXIV of 1978.**—In the Central Excises and Salt (Amendment) Ordinance, 1978 (XXXIV of 1978), in section 3, the words “vegetable product or” shall be omitted and shall be deemed always to have been so omitted.

3. **Revival of exemption.**—Any exemption granted under section 12A of the Central Excises and Salt Act, 1944 (I of 1944), in respect of vegetable product which was in force immediately before the commencement of the Central Excises and Salt (Amendment) Ordinance, 1978 (XXXIV of 1978), shall stand revived as if it had never **been** withdrawn.

FAZAL ELAHI CHAUDHRY,
President.

MIR MOHAMMAD ALI,
Draftsman and Addl. Secretary.

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, SATURDAY, SEPTEMBER 16, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 16th September, 1978

No. F. 24 (2)/78-Pub.—The following Order made by the President on the 10th September, 1978 is hereby published for general information:—

TRANSFER OF MANAGED ESTABLISHMENTS ORDER, 1978

PRESIDENT'S ORDER No. 12 of 1978

In pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order:—

1. **Short title, extent and commencement.**—(1) This Order may be called the Transfer of Managed Establishments Order, 1978.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. **Interpretation.**—Words and expression used in this Order shall, unless there is anything repugnant in the subject or context, have the same meaning as in the Economic Reforms Order, 1972 (P. O. No. 1 of 1972), hereinafter referred to as the said Order.

(279)

[2262 Ex. Gaz.]

Price : Ps. 25

3. Order to override other laws.—This Order shall have effect notwithstanding anything contained in any other law for the time being in force or in any agreement, contract, memorandum or articles.

4. Transfer of shares and proprietary interests.—(1) The Federal Government may, if it considers necessary in the national interest so to do, through a public notice offer to transfer the shares or proprietary interests in respect of a managed establishment acquired by it under Article 7B of the said Order, to the persons specified, and on the terms set out, in the Schedule.

(2) If the offer made under clause (1) is not accepted by any person within a period of twenty one days, the Federal Government may retain the shares or proprietary interests offered to such person or dispose of them in any manner it may deem fit and such person shall have no right whatsoever in respect of such shares or proprietary interests.

(3) Upon the acceptance of the offer to transfer proprietary interests in the case of a managed establishment which is not a company, the Federal Government shall transfer the proprietary interests to the company or other person from whom the proprietary interests were acquired under Article 7B of the said Order.

(4) Upon the acceptance of the offer to transfer shares in a managed establishment which is a company or an establishment owned by a company, the Federal Government shall transfer the shares acquired by it under Article 7B of the said Order in the names of the persons who have accepted the offer and the said transfer shall be recorded in the register of members of the company.

5. Election of Board of Directors.—Within sixty days of the issue of a public notice under clause (1) of Article 4 in respect of a managed establishment which is a company, an extraordinary general meeting of the company shall be held for purposes of electing the Board of Directors of the company in accordance with the Companies (Managing Agency and Election of Directors) Order, 1972 (P. O. No. 2 of 1972).

6. Transfer of management.—(1) Upon the election of the Board of Directors under Article 5 in the case of a managed establishment which is a company, and upon the transfer of proprietary interests under clause (3) of Article 4 in the case of a managed establishment which is not a company, the Federal Government shall cancel the orders made by it under clause (1) of Article 4 and clause (1) of Article 7E of the said Order in respect of the managed establishment.

(2) Upon the issue of an order under clause (1) in respect of a managed establishment, the administration of the affairs of the establishment shall, subject to the rules made under this Order, stand transferred—

- (a) to the Board of Directors, in the case of an establishment which is a company ;
- (b) to the company in the case of an establishment owned by a company ; and
- (c) to the person or body in whom the management of the establishment vested immediately before the appointment of a Managing Director in respect thereof, in the case of any other establishment.

(3) Where the Federal Government cancels, in pursuance of clause (1), an order made by it under clause (1) of Article 7E or the said Order in respect of a managed establishment which is a company, the Federal Government may, by order, make such provision for the adjustment or reduction of the share capital of the corporation to which the order under the said clause (1) of Article 7E relates as it may deem fit.

7. **Audit.**—(1) The Federal Government may at any time appoint one or more firms of auditors for carrying out a special audit of any establishment with such terms of reference as the Federal Government may determine.

(2) The remuneration to be paid to the auditors appointed under clause (1) shall be paid by the establishment.

(3) If, after a firm of auditors has been appointed under clause (1) in respect of a managed establishment, an order is issued under clause (1) of Article 6 in respect of that managed establishment and the audit of the said managed establishment is still in progress, the firm of auditors shall continue the work of audit until it is complete and the report submitted by the firm has been accepted by the Federal Government.

(4) The audited accounts prepared in pursuance of clause (1) and accepted by the Federal Government shall not be challenged by the establishment or the shareholders or any other person and shall be accepted by them.

8. **Assumption of liabilities.**—(1) Where the Federal Government issues an order under clause (1) of Article 6 in respect of a managed establishment, the Federal Government may assume such of the liabilities of the managed establishment as the Federal Government may decide, not exceeding the net loss incurred between a date to be specified by the Federal Government, hereinafter referred to as the specified date, and the date on which an order under clause (1) of Article 6 is issued in respect of the managed establishment, hereinafter referred to as the transfer date.

Explanation.—“Net Loss” means the total amount of losses incurred between the specified date and the transfer date as determined in pursuance of the audit carried out under Article 7 and as reduced by (a) increase in reserves, retained earnings and unappropriated profits, if any, and (b) the loss which was incurred by the managed establishment on its operations and assets relating to the territories which, immediately before the sixteenth day of December, 1971, constituted the Province of East Pakistan and was written off after the issuance of an order under clause (1) of Article 4 of the said Order.

(2) The amount of the liabilities assumed by the Federal Government in pursuance of clause (1) shall, for the purposes of the Income-tax Act, 1922 (XI of 1922), be deemed to be income from business of the establishment received during the accounting year in which such liabilities are so assumed; and such amount shall be adjusted in the accounts of the establishment, notwithstanding the issuance of an order under clause (1) of Article 6 in respect of the establishment.

9. **No claim of compensation.**—No establishment, and no shareholder of an establishment shall make any claim of any sort nor a claim for compensation of any nature whatsoever against the Federal Government or a corporation set up

by the Federal Government or against any officer of the Federal Government or of such corporation, after an order under clause (1) of Article 6 has been issued in respect of that establishment.

10. Employees to continue in service.—All persons employed in, by or for the purpose of business of an establishment in respect of which an order under clause (1) of Article 6 is issued shall continue in such employment on the same terms and conditions as were applicable to them immediately before the issue of such order.

11. Contracts and agreements to continue.—All contracts and agreements made by an establishment in respect of which an order is issued under clause (1) of Article 6 which may be subsisting immediately before the issue of such order shall continue to be of full force and effect against or in favour of the establishment and may be enforced or acted upon accordingly.

12. Removal of difficulties.—If any difficulty arises in giving effect to any of the provisions of this Order, the Federal Government may make such order, not inconsistent with the provisions of this Order, as may appear to it to be necessary for the purpose of removing the difficulty.

13. Bar of jurisdiction.—(1) No court shall call in question or permit to be called in question any provision of this Order or of any rule or order made or anything done or any action taken thereunder.

(2) No court shall grant any injunction, or make any order, nor shall any court entertain any proceedings, in relation to anything in good faith done or intended to be done under this Order.

14. Penalties.—(1) Whoever obstructs or resists or hinders any person in the discharge of his duties under this Order shall be punishable with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

(2) No court shall take cognizance of an offence punishable under clause (1) except upon a complaint in writing made by, or under the authority of, the Federal Government.

15. Power to make rules.—The Federal Government may make rules for carrying out the purposes of this Order.

“THE SCHEDULE

[See Article 4 (1)]

1. Definitions.—In this Schedule,—

- (1) ‘rule’ means rule in the Economic Reforms (Acquisition and Compensation) Rules, 1973 ;
- (2) “financial institution” means a bank, a financing corporation, an insurance company or an investment institution ;
- (3) “Order” means the Economic Reforms Order, 1972 (P. O. No. 1 of 1972).

2. Persons to whom offer to be made.—(1) Where the shares were acquired under Article 7B of the Order from persons who also lodged them in pursuance of sub-rule (2) of rule 5, the shares shall be offered to such persons.

(2) Where the shares were acquired under Article 7B of the Order from persons other than the persons who lodged them in pursuance of the provisions to sub-rule (6) of rule 5, the shares shall be offered to the persons who lodged them.

(3) Where the shares were acquired from persons under Article 7B of the Order and the shares were lodged, in pursuance of the provisions to sub-rule (6) of rule 5, by a financial institution which, at the time the order of acquisition was made under the said Article, was holding the shares in safe custody or as security against loans or advances, the offer shall be made to the financial institution and, for the purpose of acceptance of the offer, shall be deemed to be an offer made to the persons from whom the shares were acquired under the said Article :

Provided that the acceptance of the offer by the persons shall be considered valid only if such acceptance is accompanied by a valid authorization in writing from the financial institution, in which case the shares certificates shall be handed over to the financial institution together with the valid transfer deeds and the financial institution shall hold a lien on the shares till such time as the lien is relinquished by the financial institution.

(4) Where the proprietary interests of a managed establishment owned by a company were acquired under Article 7B of the Order, the offer shall be made to the company which owned the establishment immediately before such acquisition.

(5) The offer of shares or proprietary interests to a person shall also be deemed to be an offer to the successor in interest, authorised representative executor, administrator or heirs of such person.

3. Terms of transfer.—(1) In case of shares or proprietary interests of a managed establishment which has incurred a net loss from the time a Managing Director was appointed under clause (1) of Article 4 of the Order, the shares offered to be transferred shall be offered on the following terms, namely :—

- (a) Where compensation has been paid under Article 7C of the Order, upon receipt of an amount in cash or in the form of Government Bonds, or partly in cash and partly in such Bonds, equivalent in value to the compensation paid, in the manner to be determined by the Federal Government, and
- (b) Where compensation was due and has not been paid, on acceptance of the offer in the following manner, namely :—
 - (i) where Certificates of Entitlement to Compensation have been issued but the same have not been converted into Government Bonds, upon the surrender of such Certificates in favour of the Federal Government ; and
 - (ii) where the Certificates of Entitlement to Compensation have not been issued, upon the surrender of the right to such Certificates in favour of the Federal Government :

Provided that interest shall be payable by the Federal Government, in the manner to be determined by it, on the amount of compensation which was due but was not paid, at the same rate and for the same period as would have been payable had Government Bonds been issued :

Provided further that interest shall be payable up to the date on which an order under clause (1) of Article 4 is issued in respect of the establishment.

(2) In case of shares or proprietary interests of a managed establishment other than those covered by sub-paragraph (1), the shares or proprietary interests offered to be transferred shall be offered on the following terms, namely :—

- (a) in the case of shares not quoted on any stock-exchange, at the Break Up Value ;
- (b) in the case of shares quoted on any of the stock exchanges, at the Market Value or the Break Up Value, whichever is higher ; and
- (c) in the case of proprietary interests, at the Net Worth Value.

Explanation.—(i) “Break Up Value” shall have the same meaning as in the Order ;

(ii) “Market Value” shall mean the average value of the shares of a company as quoted on the Karachi Stock Exchange on closing on the six working days prior to the date of the issuance of the public notice under clause (1) of Article 4 : and

(iii) “Net Worth Value” shall have the same meaning as in the Order.

(3) Where, in the case of a managed establishment referred to in sub-paragraph (2), compensation has not been paid in pursuance of the provisions of Article 7C of the Order, compensation, if any, shall be payable in accordance with that Article.”

Islamabad, the 16th September, 1978

No. F. 24 (2)/78-Pub.—The following Order made by the President on the 15th September, 1978 is hereby published for general information :—

THE PRESIDENT'S SUCCESSION ORDER, 1978

PRESIDENT'S ORDER No. 13 OF 1978

In pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (CMLA Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order :—

1. (1) This Order may be called the President's Succession Order, 1978.

It shall come into force at once.

2. This Order shall have effect notwithstanding anything contained in the Constitution or any other law.

3. (1) Upon the office of the President becoming vacant by reason of death, physical or mental incapacity, resignation, or by reason of the incumbent of that office relinquishing the charge of the office or for any other reason before the election of a President under the Constitution, the Chief Martial Law Administrator or such other person as may be designated by the Chief Martial Law Administrator shall be the President and shall perform all functions assigned to the President by or under the Constitution or by or under any law.

(2) Before entering upon his office, the President shall make before the Chief Justice of Pakistan oath in the form set out in the Schedule.

4. (1) If the Chief Martial Law Administrator is the President he shall hold office until a President is elected in accordance with the Constitution :

Provided that the Chief Martial Law Administrator may at any time designate any other person to be the President and, if he does so, he shall cease to hold the office upon the person so designated entering upon the office.

(2) A person other than the Chief Martial Law Administrator who holds the office of President under this Order shall, unless the Chief Martial Law Administrator otherwise directs, hold the office until a President is elected in accordance with the Constitution.

(3) A person other than the Chief Martial Law Administrator who holds the office of President under this Order may, by writing under his hand addressed to the Chief Martial Law Administrator, resign his office.

5. The President, unless he is also the Chief Martial Law Administrator, shall be entitled to the salary, allowances and privileges provided for in the President's Salary, Allowances and Privileges Act, 1975 (LVIII of 1975).

6. If the person holding the office of President immediately before the commencement of this Order resigns his office or relinquishes the charge of the office, he shall be entitled to the un-utilized period of leave and leave allowance in accordance with the President's Salary, Allowances and Privilege Act, 1975 (LVIII of 1975).

"THE SCHEDULE

(See Article 3)

I, _____, do solemnly swear that I am a Muslim and believe in the Unity and Oneness of Almighty Allah, the Books of Allah, the Holy Quran being the last of them, the Prophethood of Muhammad (peace be upon him) as the last of the Prophets and that there can be no Prophet after him, the Day of Judgment, and all the requirements and teachings of the Holy Quran and Sunnah :

That I will bear true faith and allegiance to Pakistan :

That, as President of Pakistan, I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully in accordance with the law, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of Pakistan :

That I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan :

That I will not allow my personal interest to influence my official conduct or my official decisions :

That, in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will :

And that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as President of Pakistan, except as may be required for the due discharge of my duties as President."

FAZAL ELAHI CHAUDHRY,
President.

K. M. A. SAMDANI,
Secretary.

OFFICE OF THE CHIEF MARTIAL LAW ADMINISTRATOR, PAKISTAN

**THE LAWS (CONTINUANCE IN FORCE)
(SEVENTH AMENDMENT) ORDER, 1978.**

CMLA ORDER No. 2 OF 1978

In pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the Chief Martial Law Administrator is pleased to make the following Order :—

1. (1) This Order may be called the Laws (Continuance in Force) (Seventh Amendment) Order, 1978.

(2) It shall come into force at once.

2. In the Laws (Continuance in Force) Order, 1977 (CMLA Order No. 1 of 1977), hereinafter referred to as the said Order, in Article 3,—

(a) in clause (1), after the word "shall", the commas and words "except where he is himself the Chief Martial Law Administrator," shall be inserted ; and

(b) in clause (2) after the word "shall", the commas and the words "except where he is himself the Martial Law Administrator for the Province," shall be inserted.

GENERAL,
COAS & CMLA,
(M. ZIA-UL-HAQ).

RAWALPINDI :

Dated the 16th September, 1978.

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, MONDAY, SEPTEMBER 18, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 18th September, 1978

No. F. 24 (2) 78-Pub.—The following Order made by the President on the 17th September, 1978 is hereby published for general information:—

THE GOVERNORS AND ACTING GOVERNORS (AMENDMENT) ORDER, 1978

PRESIDENT'S ORDER No. 14 of 1978

In pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (CMLA Order No. 1 of 1977), the President is pleased to make the following Order:—

1. (1) This Order may be called the Governors and Acting Governors (Appointment) Order, 1978.
- (2) It shall come into force at once.
2. This order shall have effect notwithstanding anything contained in the constitution.
3. (1) The President may appoint any person to be the Governor of a Province.
- (2) The Governor shall hold office during the pleasure of the President and shall be entitled to the salary, allowances and privileges provided for in the Governors' (Salaries, Allowances and Privileges) Order, 1975 (P. O. No. 5 of 1975).
- (3) The Governor may, by writing under his hand addressed to the President, resign his office.

(239)

4. When the Governor is absent from Pakistan or is unable to perform the functions of his office due to any cause such person as the President may direct shall act as Governor.

5. A person appointed to be Governor or Acting Governor under this Order may be a person who is holding any other office in the service of Pakistan and shall, unless the President otherwise directs, perform the functions of Governor or as the case may be, Acting Governor in addition to his duties as the holder of that other office.

6. A person appointed to be Governor or Acting Governor shall make before the Chief Justice or Acting Chief Justice of the High Court of the Province concerned oath in the form set out in the Schedule.

7. The Governor's Oath of Office Order, 1977, is hereby repealed.

THE SCHEDULE

(See Article 6)

I, ..., do solemnly swear that I will bear true faith and allegiance to Pakistan:

That, as Governor (or Acting Governor) of the Province of....., I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully in accordance with the law, and always in the interest of the sovereignty, integrity, solidarity, well-being and prosperity of Pakistan:

That I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan:

That I will not allow my personal interest to influence my official conduct or my official decisions:

That, in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will:

And that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as Governor (or Acting Governor) of the Province of..... except as may be required for the due discharge of my duties as Governor (or Acting Governor).

GENERAL,
President & CMLA,
(M. ZIA-UL-HAQ).

RAWALPINDI :
Dated the 17th September, 1978.

K. M. A. SAMDANI,
Secretary.

The Gazette of Pakistan



EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, WEDNESDAY, SEPTEMBER 20, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 20th September, 1978

No. F. 24 (2)/78-Pub.—The following Order made by the President on the 13th September, 1978 is hereby published for general information:—

THE WEST PAKISTAN (DISSOLUTION) (REMOVAL OF DIFFICULTIES) ORDER, 1978

PRESIDENT'S ORDER No. 15 OF 1978

In exercise of the powers conferred by Article 20 of the Province of West Pakistan (Dissolution) Order, 1970 (P. O. No. 1 of 1970), the President is pleased to make the following Order:—

1. **Short title and commencement.**—(1) This Order may be called the West Pakistan (Dissolution) (Removal of Difficulties) Order, 1978.

(2) It shall come into force at once.

2. **Submission of the Audit Report.**—The report of the Comptroller and Auditor General of Pakistan relating to the accounts of the Province of West Pakistan for financial year ending the thirtieth day of June, 1970, shall be submitted to the President for and on behalf of the new Provinces and the Centrally Administered Areas.

(241)

Price: Ps. 9

[2280 Ex. Gaz.]

3. **Power of the President.**—The President may in respect of the Reports of the Comptroller and Auditor General of Pakistan relating to the accounts of the Province of West Pakistan and the Centrally Administered Areas for the financial year ending the thirtieth day of June, 1970, or for any preceding financial year relating to which the accounts have not been examined, pass such orders as he may deem fit.

4. **Authorization of excess expenditure.**—The President may, in respect of expenditure rendered necessary over and above the authorized expenditure for the financial year ending the thirtieth day of June, 1970, or for any preceding financial year, in relation to the affairs of the Government of West Pakistan, authorize the withdrawal of moneys from the Consolidated Fund of that Province.

FAZAL ELAHI CHAUDHRY,
President.

K. M. A. SAMDANI,
Secretary.

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, SUNDAY, SEPTEMBER 24, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS
(Law Division)

Islamabad, the 24th September, 1978

No. F. 24 (2)/78-Pub.—The following Orders made by the President on the 24th September, 1978 are hereby published for general information:—

THE ELECTION COMMISSION (AMENDMENT) ORDER, 1978.

PRESIDENT'S ORDER No. 16 of 1978.

In pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order:—

1. Short title and commencement.—(1) This Order may be called the Election Commission (Amendment) Order, 1978.

(2) It shall come into force at once.

2. Amendment of Article 5, P. (P.P.) O. No. 4 of 1977.—In the Election Commission Order, 1977 [President's (Post-Proclamation) Order No. 4 of 1977], hereinafter referred to as the said Order, in Article 5, after clause (3), the following new clause shall be added, namely:—

“(4) An Ordinance made and promulgated by the President may provide for the delimitation of constituencies by the Election Commission.”.

(243)

Price : Ps. 25

[2300 Ex. Gaz.]

3. Amendment of Article 7, P. (P.P.) O. No. 4 of 1977.—In the said Order, in Article 7,—

- (a) in paragraph (a), the word “and” at the end shall be omitted;
- (b) in paragraph (b), for the full stop at the end the semicolon and word “; and” shall be substituted; and
- (c) after paragraph (b), amended as aforesaid, the following new paragraph shall be added, namely:—
 “(c) preparing electoral rolls on the principle of separate electorate for the Muslims and for the persons referred to in clause (3) of Article 106 of the Constitution, and revising such electoral rolls annually, in accordance with law.”.

THE HOUSES OF PARLIAMENT AND PROVINCIAL ASSEMBLIES (ELECTIONS) (AMENDMENT) ORDER, 1978.

PRESIDENT'S ORDER No. 17 OF 1978.

In pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order:—

1. Short title and commencement.—(1) This Order may be called the Houses of Parliament and Provincial Assemblies (Elections) (Amendment) Order, 1978.

(2) It shall come into force at once.

2. Amendment of Article 2, P. (P.P.) O. No. 5 of 1977.—In the Houses of Parliament and Provincial Assemblies (Elections) Order, 1977 [P. (P.P.) O. No. 5 of 1977], hereinafter referred to as the said Order, in Article 2, in clause (e), after the words and comma “may be,” the words, commas, figures and brackets “the Electoral Rolls Act, 1974 (XXI of 1974), or the Delimitation of Constituencies Act, 1974 (XXXIV of 1974), or the Preparation of Electrol Rolls (Federally Administered Tribal Areas) Order, 1975 [P.O. No. 1 of 1975], or” shall be inserted.

3. Substitution of Article 4, P. (P.P.) O. No. 5 of 1977.—In the said Order, for Article 4 the following shall be substituted, namely:—

“4. The National Assembly.—(1) The National Assembly shall consist of two hundred and eighteen members elected to the seats hereinafter specified—

- (a) two hundred Muslim seats which shall stand allocated to each Province, the Federally Administered Tribal Areas and the Federal Capital as provided in section 7 of the Delimitation of Constituencies Act, 1974 (XXXIV of 1974);
- (b) eight non-Muslim seats, three each for the Provinces of the Punjab and Sind and one each for the Province of Baluchistan and the North-West Frontier Province, reserved for persons belonging to the Christian,

Hindu, Sikh, Budhist and Parsi communities and persons of the Quadiani group or the Lahori group (who call themselves 'Ahmadis') and other non-Muslims and persons belonging to the scheduled castes ; and

- (c) ten seats reserved for women which shall stand allocated to the Provinces as provided in section 7 of the Delimitation of Constituencies Act, 1974 (XXXIV of 1974).

(2) For the purpose of election to the National Assembly,—

- (a) the constituencies for the Muslim seats shall be single-member territorial constituencies ; and
(b) the constituencies for the non-Muslim seats and the seats reserved for women shall be such that each Province forms one constituency with as many such seats as are allocated to the Province under paragraph (b) or, as the case may be, paragraph (c) of clause (1).

(3) The members to fill the Muslim and non-Muslim seats in the National Assembly shall be elected simultaneously on the basis of direct and free vote.

(4) As soon as practicable after the general elections to the National Assembly, the members to fill seats reserved for women which are allocated to a Province under paragraph (c) of clause (1) shall be elected in accordance with law on the basis of the system of proportional representation by means of a single transferable vote by the electoral college consisting of the persons elected from that Province.

(5) Notwithstanding anything contained in this Article, the President may, by Order, make such provision as to the manner of filling the Muslim seats in the National Assembly allocated to the Federally Administered Tribal Areas as he may think fit.”.

4. Amendment of Article 6, P. (P.P.) O. No. 5 of 1977.—In the said Order, in Article 6,—

(a) in clause (1),—

(i) in paragraph (a), after the words “ number of ”, the word “ Muslim ” shall be inserted ;

(ii) in paragraph (b), for sub-paragraph (i) the following shall be substituted, namely :—

“(i) the number of additional seats hereinafter specified for non-Muslims—

Baluchistan	..	..	..	..	1
The North-West Frontier Province	..	..	..	..	1
The Punjab	..	..	..	..	6
Sind	..	..	..	..	7”;

(b) for clause (2) the following shall be substituted, namely :—

“(2) For the purpose of election to a Provincial Assembly,—

- (a) the constituencies for the Muslim seats shall be single-member territorial constituencies ; and

- (b) the constituencies for the non-Muslim seats and the seats reserved for women shall be such that each Province forms one constituency with as many such seats as are allocated to the Province under sub-paragraph (i) or, as the case may be, sub-paragraph (ii), of paragraph (b) of clause (1)."; and
- (c) for clause (3) the following shall be substituted, namely :—
 - "(3) The members to fill the Muslim and non-Muslim seats in a Provincial Assembly shall be elected simultaneously, on the basis of direct and free vote.
 - (4) As soon as practicable after the general elections to a Provincial Assembly, the members to fill seats in that Assembly reserved for women shall be elected in accordance with law on the basis of the system of proportional representation by means of a single-transferable vote by the electoral college consisting of persons elected to that Assembly."

5. **Amendment of Article 9, P. (P.P.) O. No. 5 of 1977.**—In Article 9, for clause (1) the following shall be substituted, namely :—

- "(1) At an election to a Muslim seat or a non-Muslim seat in the National Assembly or a Provincial Assembly, only such persons shall be entitled to vote in a constituency as are enrolled on the electoral roll prepared on the principle of separate electorate for any electoral area in that constituency."

6. **Amendment of Article 10, P. (P.P.) O. No. 5 of 1977.**—In Article 10, in clause (1), for paragraph (b) the following shall be substituted, namely :—

- "(b) he is, in the case of the National Assembly, not less than twenty-five years of age and is enrolled as a voter in any electoral roll for election to a Muslim seat or a non-Muslim seat, as the case may be, in that Assembly; and"

7. **Amendment of Article 11, P. (P.P.) O. No. 5 of 1977.**—In Article 11, in clause (1), for paragraph (c) the following shall be substituted, namely :—

- "(c) he is enrolled as a voter in any electoral roll for election to a Muslim seat or a non-Muslim seat, as the case may be, in that Assembly;".

8. **Substitution of Article 16, P. (P.P.) O. No. 5 of 1977.**—In the said Order, for Article 16 the following shall be substituted, namely :—

- "16. *Laws relating to election, etc., to apply.*—Notwithstanding anything contained in the Constitution, the Senate (Members from Federal Capital) Order, 1973 (P. O. No. 12 of 1973), the Electoral Rolls Act, 1974 (XXI of 1974), the Delimitation of Constituencies Act, 1974 (XXXIV of 1974), the Preparation of Electoral Rolls (Federally Administered Tribal Areas) Order, 1975 (P. O. No. 1 of 1975), the Senate (Election) Act, 1975 (LI of 1975), and the Representation of the People Act, 1976 (LXXXV of 1976), and any rules made thereunder, as for the time being in force, shall, in so far as they are not inconsistent with any of the provisions of this Order, apply to the preparation and revision of the electoral rolls the delimitation of constituencies, the choosing of a member from the Federal Capital and to the conduct of election to the two Houses and the Provincial Assemblies."

9. **Amendment of Article 18, P. (P.P.) O. No. 5 of 1977.**—In the said Order, in Article 18, the words, brackets, figures, commas and letter “the persons referred to in paragraph (2) of Article 4 or, as the case may be, paragraph (b) of clause (1) of Article 6, or for” shall be omitted.

GENERAL,
(M. ZIA-UL-HAQ),
President.

K. M. A. SAMDANI,
Secretary.

Islamabad, the 24th September, 1978

No.F.24(1)/78. Pub.—The following Ordinances made by the President on the 24th September, 1978 are hereby published for general information :—

THE DELIMITATION OF CONSTITUENCIES

(AMENDMENT) ORDINANCE, 1978

ORDINANCE No. XXXVIII OF 1978

AN

ORDINANCE

to Amend The Delimitation of Constituencies Act, 1974

WHEREAS it is expedient to amend the Delimitation of Constituencies Act, 1974 (XXXIV of 1974), for the purposes hereinafter appearing ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate Action ;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (CMLA Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf the President is pleased to make and promulgate the following Ordinance :—

1. **Shore title, application and commencement.**—(1) This Ordinance may be called the Delimitation of Constituencies (Amendment) Ordinance, 1978.

(2) It applies only in respect of the forthcoming elections.

(3) It shall come into force at once.

2. **Amendment of section 2, Act XXXIV of 1974.**—In the Delimitation of Constituencies Act, 1974 (XXXIV of 1974), hereinafter referred to as the said Act, in section 2, in clause (b), for the word and figure “Article 218” the words, comma, figures, brackets and letters “the Election Commission Order, 1977 [President’s (P.P.) Order No. 4 of 1977]” shall be substituted.

3. **Amendment of section 3, Act XXXIV of 1974.**—In the said Act, in section 3, for the word “Constitution” the words, brackets, commas, figures and letters “Houses of Parliament and Provincial Assemblies (Elections) Order, 1977 [P.(P.P) Order No. 5 of 1977]” shall be substituted.

4. **Amendment of section 4, Act XXXIV of 1974.**—In the said Act, in section 4, for sub-section (3) the following shall be substituted, namely :—

“(3) The Commission may exercise its powers and perform its functions notwithstanding that there is a vacancy in the office of any one of its members or that any of its members is, for any reason, unable to attend its proceedings and the decision of at least three members shall have the effect of the decision of the Commission :

Provided that, where the members attending the proceedings of the Commission are equally divided in their opinion,—

- (a) if the Chairman is one of the members attending, his opinion shall prevail and the decision of the Commission shall be expressed in terms of that opinion ; and
- (b) in the other case, the matter shall be placed for decision before the Commission.

5. **Amendment of section 7, Act XXXIV of 1974.**—In the said Act, in section 7, in sub-section (1), in the table, for the heading “General Seats” the heading “Muslim Seats” shall be substituted.

6. **Substitution of section 8, Act XXXIV of 1974.**—In the said Act, for section 8 the following shall be substituted, namely :—

“8. **Delimitation of constituencies.**—(1) For the purpose of election to the National Assembly, the Commission shall divide—

- (a) each Province into as many separate territorial constituencies as the number of Muslim seats allocated to that Province under section 7; and
- (b) the Federally Administered Tribal Areas and the Federal Capital into as many separate territorial constituencies as the number of Muslim seats respectively allocated to the said Areas and the Federal Capital under that section.”.

(2) For the purpose of election to Provincial Assemblies, the Commission shall divide each Province into as many separate territorial constituencies as the number of Muslim seats fixed under paragraph (a) of clause (1) of Article 6 of the Houses of Parliament and Provincial Assemblies (Elections) Order, 1977 [P. (P.P.) Order No. 5 of 1977].”.

7. **Amendment of section 9, Act XXXIV of 1974.**—In the said Act, in section 9, for sub-section (1) the following shall be substituted, namely :—

“(1) All constituencies for Muslim seats shall, as far as practicable, be delimited having regard to the distribution of population, including non-Muslims, in geographically compact areas, existing boundaries of administrative units, facilities of communication and public convenience and other cognate factors to ensure homogeneity in the creation of constituencies :

Provided that, for the purpose of delimiting the constituencies for the seats for the Federally Administered Areas, two or more separated areas may be grouped into one constituency.”.

THE ELECTORAL ROLLS (AMENDMENT) ORDINANCE, 1978.

ORDINANCE No. XXXIX OF 1978

AN

ORDINANCE

to Amend The Electoral Rolls Act, 1974

WHEREAS it is expedient to amend the Electoral Rolls Act, 1974 (XXI of 1974), for the purposes hereinafter appearing ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. **Short title, application and commencement.**—(1) This Ordinance may be called the Electoral Rolls (Amendment) Ordinance, 1978.

(2) It applies only in respect of the forthcoming elections.

(3) It shall come into force at once.

2. **Amendment of section 2, Act XXI of 1974.**—In the Electoral Rolls Act, 1974 (XXI of 1974), hereinafter referred to as the said Act, in section 2, for clause (1) the following shall be substituted, namely :—

“(1) ” Commissioner ” means the Chief Election Commissioner appointed under the Election Commission Order, 1977 [President's (P.P.) Order No. 4 of 1977];”.

3. **Substitution of section 4, Act XXI of 1974.**—In the said Act, for section 4 the following shall be substituted, namely :—

“ 4. *Electoral Rolls for election to the Assemblies.*—The electoral rolls shall be prepared simultaneously under this Act on the principle of separate electorate for the Muslims and non-Muslims and revised annually.”.

4. **Amendment of section 6, Act XXI of 1974.**—In the said Act, in section 6, for sub-section (1) the following shall be substituted, namely :—

“(1) The Registration Officer for an electoral area shall, under the superintendence, direction and control of the Commissioner, prepare for that area in the prescribed manner a preliminary electoral roll including therein the name of every person entitled to be enrolled as a voter :

Provided that the electoral roll in respect of an electoral area shall be prepared or revised, as the case may be, simultaneously but separately for the Muslims and non-Muslims on the principle of separate electorate.”.

5. **Amendment of section 28, Act XXI of 1974.**—In the said Act, section 28 shall be re-numbered as sub-section (1) of that section and, after sub-section (1) re-numbered as aforesaid, the following new sub-section shall be added, namely:—

“(2) Where a form has been prescribed for any of the purposes of this Act or the rules made thereunder, the Commissioner may make such modifications or additions in the form as may in his opinion be necessary to indicate the religion of the person by whom the form is to be submitted.”.

6. **Amendment of section 30, Act XXI of 1974.**—In the said Act, in section 30, the words and commas “ but notwithstanding such repeal, an electoral roll for any electoral area prepared under the said Order shall, continue in force until the electoral roll prepared under this Act for such area has come into force on final publication ” shall be omitted.

GENERAL,
M. ZIA-UL-HAQ,
President.

K. M. A. SAMDANI,
Secretary.

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, MONDAY, SEPTEMBER 25, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 25th September, 1978

No. F. 24 (2)|7-Pub.—The following Order made by the President on the 24th September, 1978 is hereby published for general information :—

THE CEMENT STOCKISTS (CANCELLATION OF AGREEMENTS AND CONTRACTS) ORDER, 1978

PRESIDENT'S ORDER NO. 18 OF 1978

In pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order :—

1. Short title, extent and commencement.—(1) This Order may be called the Cement Stockists (Cancellation of Agreements and Contracts) Order, 1978.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Power to cancel contracts, etc.—(1) Notwithstanding anything contained in any other law for the time being in force or in any contract, agreement or usage, a company the management of which has been, or may be, transferred to the State Cement Corporation of Pakistan under Article 7E of the Economic

(251)

Price : Ps. 9

[2307 Ex. Gaz.]

Reforms Order, 1972 (P.O. 1 of 1972), and a project and a managed company vested in the said Corporation under section 4 of the West Pakistan Industrial Development Corporation (Transfer of Projects and Companies) Act, 1974 (XXVIII of 1974), and the Associated Cement vested in the said Corporation under section 3 of the Associated Cement (Vesting) Act, 1974 (VII of 1975), may terminate without notice an arrangement, agreement or a contract, whether oral or written, with any stockist appointed by such company, project or managed company or Associated Cement for the sale or distribution of cement produced by it.

(2) No compensation shall be payable for the termination of any arrangement, agreement or contract under clause (1).

3. **Bar of jurisdiction.**—No court shall grant any injunction or make any order or entertain any proceedings in relation to anything in good faith done or intended to be done under this Order.

4. **Indemnity.**—No suit, prosecution or other legal proceeding shall lie against a company, project or managed company referred to in Article 2, or any other person, for anything done in good faith under this Order.

GENERAL,
(M. ZIA-UL-HAQ),
President.

K. M. A. SAMDANI,
Secretary.

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, THURSDAY, OCTOBER 12, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 12th October, 1978

No. F. 24 (1)/78-Pub.—The following Ordinance made by the President on the 9th October, 1978 is hereby published for general information :—

ORDINANCE No. XL OF 1978

AN

ORDINANCE

further to amend the Legal Practitioners and Bar Councils, Act, 1973

WHEREAS it is expedient further to amend the Legal Practitioners and Bar Councils Act, 1973 (XXXV of 1973), for the purposes hereinafter appearing ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1978.

(259)

Price : Ps. 19

[2368 Ex. Gaz.]

(2) It shall come into force at once.

2. Amendment of section 2, Act XXXV of 1973.—In the Legal Practitioners and Bar Councils Act, 1973 (XXXV of 1973), hereinafter referred to as the said Act, in section 2,—

(a) after clause (c), the following new clause shall be inserted, namely :—

“(cc) “Divisional roll” means a roll of advocates of the High Court or, as the case may be, a roll of advocates, practising in a Division prepared and maintained by a Provincial Bar Council under this Act;”;

(b) after clause (e), the following new clause shall be inserted, namely :—

“(ee) “member”, in relation to a Bar Council, does not include the Chairman thereof;” ; and

(c) for clause (h) the following shall be substituted, namely :—

“(h) “Provincial Bar Council”, in relation to a Province, means the Provincial Bar Council constituted for that Province;”.

3. Amendment of section 3, Act XXXV of 1973.—In the said Act, in section 3, in sub-section (1),—

(a) in clause (i), after the semicolon at the end, the word “and” shall be added; and

(b) for clauses (ii) and (iii) the following shall be substituted, namely :—

“(ii) a Bar Council for each Province to be known as the Bar Council of the Province concerned.”.

4. Amendment of section 5, Act XXXV of 1973.—In the said Act, in section 5,—

(1) in sub-section (1),—

(a) for the comma occurring after the word “consist” the word “of” shall be substituted;

(b) for clause (a) the following shall be substituted, namely :—

“(a) the Advocate-General of the Province, *ex-officio*; and” ; and

(c) in clause (b), the word “other” shall be Omitted;

(2) in sub-section (2),—

(a) in clause (a),—

(i) for the word “November” the word “October” shall be substituted; and

(ii) for the word “Provincial” the word “Divisional” shall be substituted;

(b) in clauses (b), (c) and the provisos, for the word “Provincial”, wherever occurring, the word “Divisional” shall be substituted;

(3) after sub-section (2) amended as aforesaid, the following new sub-section shall be inserted, namely :—

“(2A) For the purpose of the election of the members of a Provincial Bar Council from a district or districts under sub-section (2), the

advocates entered on the Divisional roll of the Division of which such district or districts form part shall constitute the electoral college.”;

(4) for sub-section (3) the following shall be substituted, namely :—

“(3) Notwithstanding anything contained in sub-section (2), the first Provincial Bar Council to be constituted under this Act for the Province of Baluchistan shall consist of four members who shall be elected from the advocates entered on the Provincial roll who practise generally in any place within the Province of Baluchistan.”; and

(5) after sub-section (4), the following new sub-sections shall be added, namely :—

“(5) A member may resign his office by writing under his hand addressed to the Chairman of the Council.

(6) A member shall cease to be a member if he is appointed to an office of profit in the service of Pakistan or is suspended or removed from practice under the provisions of Chapter VII.”.

5. Amendment of section 6, Act XXXV of 1973.—In the said Act, in section 6, for sub-section (2) the following shall be substituted, namely :—

“(2) The Advocate-General for a Province shall be the Chairman of the Provincial Bar Council for that Province.

(2A) If a member of a Provincial Bar Council is appointed as the Attorney-General for Pakistan or as the Advocate-General for a Province, his seat in the Council shall become vacant.”.

6. Amendment of section 9, Act XXXV of 1973.—In the said Act, in section 9, in sub-section (1), in clause (a), after the word “advocates” occurring for the second time, the words “of the Province as well as of each Division” shall be inserted.

7. Amendment of section 11, Act XXXV of 1973.—In the said Act, in section 11,—

(1) in sub-section (1),—

(a) the word “other” shall be omitted;

(b) for the word “and” occurring for the second time a comma shall be substituted; and

(c) for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely :—

“Provided that the Chairman of a Provincial Bar Council shall not be elected to be a member of the Pakistan Bar Council.”;

(2) in sub-section (2), the words and commas “not, by reason of such election,” shall be omitted; and

(3) after sub-section (3), the following new sub-sections shall be added, namely :—

“(4) A member may resign his office by writing under his hand addressed to the Chairman of the Council.

- (5) A member shall cease to be a member if he is appointed to an office of profit in the service of Pakistan or is suspended or removed from practice under the provisions of Chapter VII."

8. Amendment of section 12, Act XXXV of 1973.—In the said Act, in section 12, after sub-section (1), the following new sub-section shall be inserted, namely:—

"(1A) If a member of the Pakistan Bar Council is appointed as the Attorney-General for Pakistan or as the Advocate-General for a Province, his seat in the Council shall become vacant."

9. Amendment of section 17, Act XXXV of 1973.—In the said Act, in section 17, in sub-section (2), for the word "twenty" the words "thirty-three and one-third" shall be substituted.

10. Amendment of section 24, Act XXXV of 1973.—In the said Act, section 24 shall be re-numbered as sub-section (1) of that section and—

- (a) in sub-section (1) re-numbered as aforesaid, for the words "a roll" the words "for the Province and each Division in the Province two separate rolls" shall be substituted; and

- (b) after sub-section (1) re-numbered and amended as aforesaid, the following new sub-section shall be added, namely:—

"(2) Notwithstanding anything contained in sub-section (1), all advocates who, immediately before the coming into force of the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1978, were entered on the roll of the Sind and Baluchistan Bar Council and were practising generally at any place within the Province of Baluchistan shall have the option to get their names transferred to the roll of the Provincial Bar Council for the Province of Baluchistan by the fifteenth day of November, 1978.

11. Amendment of section 25, Act XXXV of 1973.—In the said Act, section 25 shall be re-numbered as sub-section (1) of that section and—

- (a) in sub-section (1), re-numbered as aforesaid,—

- (i) for the word "roll" occurring for the first time the word "rolls" shall be substituted; and

- (ii) for the words "a roll" the words "for the Province and each Division in the Province two separate rolls" shall be substituted; and

- (b) after sub-section (1) re-numbered and amended as aforesaid, the following new sub-section shall be added, namely:—

"(2) Notwithstanding anything contained in sub-section (1), all advocates who, being entitled, immediately before the coming into force of the Legal Practitioners and Bar Councils (Amendment) Ordinance, 1978, to practise in any court subordinate to the High Court of Sind and Baluchistan were entered on the roll of

the Sind and Baluchistan Bar Council and were practising generally in any place within the Province of Baluchistan shall have the option to get their names transferred to the roll of the Provincial Bar Council for the Province of Baluchistan by the fifteenth day of November, 1978.”

12. **Amendment of section 55, Act XXXV of 1973.**—In the said Act, in section 55,—

(a) in clause (t), for the colon at the end a semicolon shall be substituted ; and

(b) after clause (t), amended as aforesaid, the following new clause shall be inserted, namely :—

“(u) the forming, recognition and functioning of a Supreme Court Bar Association :”.

13. **Amendment of section 59, Act XXXV of 1973.**—In the said Act, in section 59, sub-section (7) shall be omitted.

14. **Interim arrangements in respect of Baluchistan Bar Council.**—Notwithstanding anything contained in this Ordinance, all the functions of the Bar Council for the Province of Baluchistan shall be performed by the Bar Council for the Province of Sind and Baluchistan, hereinafter referred to as the common Council, till the term of the Bar Council constituted for that Province commences and the Advocate-General for that Province shall act as the Returning Officer for holding the first elections of the Bar Council and take all necessary steps in connection therewith.

15. **Apportionment of properties, etc., of the Bar Council for the Province of Sind and Baluchistan.**—On the establishment of the Bar Council for the Province of Baluchistan under the said Act,—

(a) all properties and assets vesting in the common Council constituted under the said Act shall be apportioned between and vest in the Bar Councils constituted under the said Act for the Provinces of Sind and Baluchistan in the same proportion as the contributions made and fees paid to the common Council by persons borne on the roll of that Bar Council from the areas which respectively form the said Provinces, bear to the total contributions made and fees paid to the said Bar Council by all the persons borne on its roll ;

(b) all rights, liabilities and obligations of the common Council constituted under the said Act shall be the rights, liabilities and obligations of the Bar Councils constituted for the Provinces of Sind and Baluchistan in the same proportion as is mentioned in clause (a) ;

(c) all proceedings pending before the common Council in respect of any disciplinary matter or otherwise shall stand transferred to such one of the Provincial Bar Councils as would have had jurisdiction to dispose of the proceedings had they been instituted before it after the coming into force of this Ordinance ; and

- (d) all proceedings pending before a Tribunal constituted by the common Council under the said Act shall stand transferred to such Tribunal as would have had jurisdiction to dispose of the proceedings had they been instituted before it after the coming into force of this Ordinance.

GENERAL,
M. ZIA-UL-HAQ,
President.

K. M. A. SAMDANI,
Secretary.

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, TUESDAY, OCTOBER 17, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 17th October, 1978

No. F. 24 (2) 78-Pub.—The following Order made by the President on the 15th October, 1978 is hereby published for general information:—

THE ACTING GOVERNORS (ALLOWANCES AND PRIVILEGES) ORDER,
1978

PRESIDENT'S ORDER No. 19 OF 1978

In pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order:—

1. (1) This Order may be called the Acting Governors (Allowances and Privileges) Order, 1978.

(2) It shall come into force at once.

2. This Order shall have effect notwithstanding anything contained in the Constitution.

3. A person who has held the office of Acting Governor under the Governor's (Oath of Office) Order, 1977, shall be entitled, and shall be deemed always to

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Price: Ps. 19

have been entitled, in respect of the period during which he held the said office, to the allowances and privileges which are admissible to a Governor under the Governors' Salaries, Allowances and Privileges Order, 1975 (P. O. No. 5 of 1975).

GENERAL,
M. ZIA-UL-HAQ,
President.

THE FREEDOM OF ASSOCIATION ORDER, 1978

PRESIDENT'S ORDER No. 20 of 1978

In pursuance of the proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (CMLA Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order :—

1. **Short title, extent and commencement.**—(1) This Order may be called the Freedom of Association Order, 1978.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once and shall be deemed to have taken effect on the fifth day of July, 1977.

2. **Effect of Order.**—This Order shall have effect notwithstanding anything contained in the Constitution.

3. **Freedom of association.**—(1) Every citizen, not being in the service of Pakistan, shall have the right to form or be a member of a political party, subject to any reasonable restrictions imposed by law in the interest of the Islamic Ideology, the sovereignty, integrity or security of Pakistan, public order or morality, and such law shall provide that where the Federal Government declares that any political party has been formed or is operating in a manner prejudicial to the Islamic Ideology, the sovereignty, integrity or security of Pakistan, public order or morality, the Federal Government shall, within fifteen days of such declaration, refer the matter to the Supreme Court whose decision on such a reference shall be final.

(2) Every political party shall account for the source of its funds in accordance with law.

GENERAL,
M. ZIA-UL-HAQ,
President.

ORDINANCE No. XLI OF 1978

AN

ORDINANCE

further to amend the Political Parties Act, 1962

WHEREAS it is expedient further to amend the Political Parties Act, 1962 (III of 1962), for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (CMLA Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Political Parties (Amendment) Ordinance, 1978.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once shall be deemed to have taken effect on the fifth day of July, 1977.

2. *Substitution of section 3, Act III of 1962.*—In the Political Parties Act, 1962 (III of 1962), hereinafter referred to as the said Act, for section 3 the following shall be substituted, namely:—

“3. *Formation of certain political parties prohibited.*—(1) No political party shall be formed with the object of propagating any opinion or acting in any manner prejudicial to the Islamic Ideology, or the sovereignty, integrity or security of Pakistan, or morality, or the maintenance of public order.

(2) No person shall form, organise, set up or convene a foreign-aided party or in any way be associated with any such party.

Explanation.—In sub-section (2), “foreign-aided party” means a political party which—

- (a) has been formed or organised at the instance of any Government or political party of a foreign country; or
- (b) is affiliated to or associated with any Government or political party of a foreign country; or
- (c) receives any aid, financial or otherwise, from any Government or political party of a foreign country, or any portion of its funds from foreign nationals.”

3. *Amendment of section 6, Act III of 1962.*—In the said Act, in section 6, in sub-section (1),—

- (a) after the words “political party”, occurring for the first time, the words “is a foreign-aided party or” shall be inserted; and

- (b) for the words "sovereignty or integrity of Pakistan" the words and commas "Islamic Ideology, or the sovereignty, integrity or security of Pakistan, or morality, or maintenance of public order" shall be substituted.

4. **Amendment of section 7, Act III of 1962.**—In the said Act, in section 7, after sub-section (2), the following new sub-section shall be added, namely:—

"(2A) If any person who was an office bearer of a political party at the time of its dissolution under sub-section (2) of section 6 indulges or takes part in any political activity within seven years of its dissolution, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both".

5. **Amendment of section 8, Act III of 1962.**—In the said Act, section 8 shall be renumbered as sub-section (1) of that section and,—

- (a) in sub-section (1), renumbered as aforesaid, after the words "Provincial Assembly" the words "or a local body" shall be inserted; and
- (b) after sub-section (1), renumbered and amended as aforesaid, the following new sub-section shall be added, namely—

"(2) A person who has at any time on or after the fifth day of July, 1977, been a member of a political party dissolved under sub-section (2) of section 6 and convicted for an offence committed before such dissolution and punishable with imprisonment for a term which is not less than two years shall be disqualified from being a member of Parliament or a Provincial Assembly or a local body and from being elected or chosen as such a member for a period of seven years from the date of such dissolution".

GENERAL,
M. ZIA-UL-HAQ,
President.

K. M. A. SAMDANI,
Secretary.

CORRIGENDA

[to the Gazette of Pakistan, Extraordinary, Part I dated the 12th October, 1978, containing Ordinance, No. XL of 1978.]

Page 260 : In line 26 for "accurring" read "occurring".
" 262 : In line 6 from the bottom for "samely" read "namely".

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, SUNDAY, NOVEMBER 5, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS
(Law Division)

Islamabad, the 5th November, 1978

No. F. 24 (1)/78-Pub.—The following Ordinance made by the President is hereby published for general information:—

ORDINANCE No. XLII of 1978

AN

ORDINANCE

further to amend the Antiquities Act, 1975

WHEREAS it is expedient further to amend the Antiquities Act, 1975 (VII of 1976), for the purposes hereinafter appearing:

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action:

Now, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement.—(1) This Ordinance may be called the Antiquities (Amendment) Ordinance, 1978.

(2) It shall come into force at once.

2. Insertion of section 5A, Act VII of 1976.—In the Antiquities Act, 1975 (VII of 1976), hereinafter referred to as the said Act, after section 5, the following new section shall be inserted, namely:—

“5A. *Accidental discovery of antiquity to be reported to Director.*—(1) Whoever discovers, or finds accidentally, any movable antiquity shall

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Price: Ps. 9

inform the Director within seven days of its being discovered or found and preserve it for the period specified in sub-section (2).

(2) If, within seven days of his being informed under sub-section (1) of the discovery of a movable antiquity or of a movable antiquity having been found, the Director decides to take over the antiquity for purposes of custody, preservation and protection, the person discovering or finding it shall hand it over to the Director or a person authorised by him in writing.

(3) Where the Director decides to take over an antiquity, he may pay to the person by whom it is handed over to him such cash reward as the Director may deem fit.

(4) If any person who discovers or finds any movable antiquity contravenes the provisions of sub-section (1) or sub-section (2), he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both, and the court convicting such person shall direct that the antiquity in respect of which such contravention has taken place shall stand forfeited to the Federal Government.”

3. **Amendment of section 34, Act VII of 1976.**—In the said Act, in section 34, for sub-section (1), the following shall be substituted, namely :—

“(1) The Director or any officer duly empowered by him in this behalf may arrest without warrant any person against whom there is reasonable ground to believe that he has committed an offence under section 5A, 19, 25, 26, 27 or 29.”

GENERAL,
M. ZIA-UL-HAQ,
President.

K. M. A. SAMDANI,
Secretary.

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, SUNDAY, NOVEMBER 19, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 19th November, 1978

No. F. 24 (2)/78-Pub.—The following Order made by the President is hereby
published for general information:—

THE HOUSES OF PARLIAMENT AND PROVINCIAL ASSEMBLIES (ELECTIONS) (SECOND AMENDMENT) ORDER, 1978

PRESIDENT'S ORDER No. 21 OF 1978

In pursuance of the Proclamation of the fifth day of July, 1977, read with
the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977),
and in exercise of all powers enabling him in that behalf, the President is
pleased to make the following Order:—

1. **Short title and commencement.**—(1) This Order may be called the Houses
of Parliament and Provincial Assemblies (Elections) (Second Amendment) Order,
1978.

(2) It shall come into force at once.

2. **Amendment of Article 9, P(PP)O. No. 5 of 1977.**—In the Houses of
Parliament and Provincial Assemblies (Elections) Order, 1977 [P(P.P.)O. No. 5
of 1977], in Article 9, in clause (1), after the words "constituency as", the words
"have attained the age of twenty-one years on the first day of January of the
year in which the preparation or revision of the electoral rolls commences and"
shall be inserted.

(275)

[2498 Ex. Gaz.]

Price : Ps. 19

No. F. 24 (1)/78-Pub.—The following Ordinances made by the President are hereby published for general information :—

ORDINANCE No. XLIII of 1978

AN

ORDINANCE

further to amend the Electoral Rolls Act, 1974

WHEREAS it is expedient further to amend the Electoral Rolls Act, 1974 (XXI of 1974), for the purpose hereinafter appearing ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. **Short title, application and commencement.**—(1) This Ordinance may be called the Electoral Rolls (Second Amendment) Ordinance, 1978.

(2) It applies only in respect of the forthcoming elections.

(3) It shall come into force at once.

2. **Amendment of section 6, Act XXI of 1974.**—In the Electoral Rolls Act, 1974 (XXI of 1974), in section 6, in sub-section (2), for the proviso the following shall be substituted, namely :—

“Provided that, for the purpose of the general election to the National Assembly or a Provincial Assembly to be held in pursuance of the Houses of Parliament and Provincial Assemblies (Elections) Order, 1977 [P(PP)O. No. 5 of 1977], or an election to a seat falling vacant before the holding of the subsequent general election to the National Assembly or a Provincial Assembly, clause (b) shall have effect as if for the word “eighteen” therein the word “twenty-one” were substituted.”.

ORDINANCE No. XLIV of 1978

AN

ORDINANCE

further to amend the Economic Reforms Order, 1972

WHEREAS it is expedient further to amend the Economic Reforms Order, 1972 (P.O. No. 1 of 1972), for the purposes hereinafter appearing ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Economic Reforms (Amendment) Ordinance, 1978.

(2) It shall come into force at once.

2. Amendment of Article 7D, P.O. No. 1 of 1972.—In the Economic Reforms Order, 1972 (P.O. No. 1 of 1972), hereinafter referred to as the said Order, in Article 7D, in the Explanation, for the words, figure and letter “and Article 7E” the comma, words, figures and letters “, Article 7E and Article 7F” shall be substituted.

3. Insertion of new Article 7E, P.O. No. 1 of 1972.—In the said Order, after Article 71E, the following new Article shall be inserted, namely :—

“7F. **Constitution of Board of Directors, etc.**—(1) Where the Federal Government has acquired under Article 7B the whole or a majority portion of the shares of a managed establishment which is a company and is of the opinion that, in the interest of the shareholders of the managed establishment, it is necessary to do so, the Federal Government may, by order in writing, direct that a board of directors consisting of a Managing Director and such number of other directors as may be specified in the order be constituted in such managed establishment.

(2) Where the Federal Government has made an order under clause (1) in respect of a managed establishment, the board of directors of such establishment shall be constituted within a period of sixty days from the date of the order.

(3) Where the Federal Government has made an order under clause (1) in respect of a managed establishment,—

(a) the Federal Government may nominate such number of directors, including the Managing Director, on the board of directors of the managed establishment as bears to the total number of directors, as nearly as may be, the same proportion as the aggregate face value of the shares owned by the Federal Government and by an institution owned or controlled by the Federal Government, including the Corporation to which the management of the managed establishment stands transferred under clause (1) of Article 7E, hereafter in this Article referred to as the Corporation, bears to the total issued share capital of the managed establishment ; and

(b) the other directors shall from time to time be elected by the members of the managed establishment, other than the Federal Government an institution referred to in paragraph (a) and the Corporation, in general meeting in accordance with the Companies (Managing Agency and Election of Directors) Order, 1972 (P.O. No. 2 of 1972).

- (4) The Managing Director nominated under clause (3) shall be the chief executive of the managed establishment.
- (5) The board of directors of a managed establishment constituted under this Article shall enter upon office on such date as the Federal Government may, by order in writing, appoint in this behalf and, upon their entering upon office as aforesaid,—
 - (a) the Managing Director appointed under clause (1) of Article 4 in respect of the establishment shall cease to hold office ;
 - (b) the management of the establishment shall cease to vest in the Corporation, and the management and administration of the affairs of the establishment shall, subject to this Article, stand transferred to the board of directors ; and
 - (c) the Managing Director nominated under clause (3) shall have such powers and functions as the board of directors may, from time to time, confer upon or entrust to him.”.

GENERAL,
M. ZIA-UL-HAQ,
President.

K. M. A SAMDANI,
Secretary.

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, WEDNESDAY, NOVEMBER 22, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF STATES AND FRONTIER REGIONS AND
KASHMIR AFFAIRS AND NORTHERN AFFAIRS

(States & Frontier Regions Division)

Islamabad, the 22nd November, 1978

No. F. 1 (27)-F. III/78.—The following Regulation made by the President on the 15th November, 1978, is hereby published for general information :—

REGULATION No. I OF 1978

A

REGULATION

to apply the Land Reforms (Amendment) Act, 1973 (LXII of 1973), to the Provincially Administered Tribal Areas

WHEREAS it is expedient to apply the Land Reforms (Amendment) Act, 1973 (LXII of 1973), to the Provincially Administered Tribal Areas ;

Now, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (CMLA Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Regulation :—

1. **Short title, extent and commencement.**—(1) This Regulation may be called the Land Reforms (Amendment) Act, 1973 (Application to the Provincially Administered Tribal Areas) Regulation, 1978.

(2) It extends to the whole of the Provincially Administered Tribal Areas.

(3) It shall come into force at once.

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2. **Application of Act LXII of 1973 to the Provincially Administered Tribal Areas.**—The Land Reforms (Amendment) Act, 1973 (LXII of 1973), as in force in the North-West Frontier Province and the Province of Baluchistan shall apply to the Provincially Administered Tribal Areas.

GENERAL,
M. ZIA-UL-HAQ,
President.

A. M. BABAR,
Joint Secretary.

CORRIGENDUM

[to the Gazette of Pakistan, Extraordinary, Part I dated the 19th November, 1978 containing President's Order No. 21 of 1978 and Ordinances No. XLIII of 1978 and No. XLIV of 1978.]

Pages 277 : In line 14, for "Article 71E"
read "Article 7E".

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, MONDAY, DECEMBER 4, 1978

PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 4th December, 1978

No. F. 24 (2)/78-Pub.—The following Order made by the President on the 2nd December, 1978 is hereby published for general information :—

THE SHARIAT BENCHES OF SUPERIOR COURTS ORDER, 1978

PRESIDENT'S ORDER NO. 22 OF 1978

In pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order :—

1. Short title and commencement.—(1) This Order may be called the Shariat Benches of Superior Courts Order, 1978.

(2) It shall come into force on the twelfth day of Rabi-ul-Awwal, 1399 Hijri.

2. Definitions.—In this Order, unless there is anything repugnant in the subject or context,—

- (a) "law" includes any custom or usage having the force of law but does not include the Constitution, any fiscal law, Muslim personal law, any law relating to the procedure of any court or tribunal or any law relating to the levy and collection of taxes and fees or banking or insurance practice and procedure;
- (b) "member" means member of a Shariat Bench;
- (c) "Shariat Appellate Bench" means the Shariat Appellate Bench of the Supreme Court constituted under Article 5; and

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Price : Ps. 25

- (d) "Shariat Bench" means the Shariat Bench of a High Court constituted under Article 4.

3. Order to override other laws.—This Order shall have effect notwithstanding anything contained in the Constitution or any other law for the time being in force.

4. Shariat Bench of High Court.—(1) There shall be constituted for the purposes of this Order in each High Court a Bench to be called the Shariat Bench of the High Court.

(2) The Shariat Bench shall consist of three Muslim Judges of the High Court to be appointed by the President on the recommendation of the Chief Justice of the High Court.

(3) The most senior of the members shall also be the Chairman of the Shariat Bench.

(4) The seat of the Shariat Bench shall be at the place at which the High Court has its principal seat.

(5) At any time when a member is absent or is unable to perform the functions of his office, the President may, on the recommendation of the Chief Justice of the High Court, appoint another Muslim Judge of the High Court to act as member.

(6) A member shall hold office as such until he holds office as a Judge of the High Court.

5. The Shariat Appellate Bench.—(1) There shall be constituted for the purposes of this Order a Bench in the Supreme Court to be called the Shariat Appellate Bench of the Supreme Court.

(2) The Shariat Appellate Bench shall consist of three Muslim Judges of the Supreme Court, to be appointed by the President on the recommendation of the Chief Justice of Pakistan.

(3) The most senior of the members shall also be the Chairman of the Shariat Appellate Bench.

(4) The seat of the Shariat Appellate Bench shall be at Islamabad or Rawalpindi.

(5) At any time when a member is absent or is unable to perform the functions of his office, the President may, on the recommendation of the Chief Justice of Pakistan, appoint another Muslim Judge of the Supreme Court to act as member.

(6) A member shall hold office as such until he holds office as a Judge of the Supreme Court.

6. Powers, jurisdiction and functions of Shariat Bench and Shariat Appellate Bench, etc.—(1) A Shariat Bench may, either on the petition of a citizen of Pakistan or the Federal Government or a Provincial Government or of its own motion: examine and decide the question whether or not any law or provision

of law is repugnant to the Injunctions of Islam as laid down in the Holy Quran and the Sunnah of the Holy Prophet, hereinafter referred to as the Injunctions of Islam.

(2) If a Shariat Bench or the Shariat Appellate Bench decides that any law or provision of law is repugnant to the Injunctions of Islam, it shall set out in its decision—

- (a) the reasons for its holding that opinion ; and
- (b) the extent to which such law or provision is so repugnant ;

and specify the day on which the decision shall take effect :

Provided that, on the representation of the Federal Government or the Provincial Government, the Shariat Bench or, as the case may be, the Shariat Appellate Bench may appoint a later day to be the day on which the decision shall take effect.

(3) Every decision of a Shariat Bench and the Shariat Appellate Bench shall be published in the official Gazette.

(4) If any law or provision of law is held by a Shariat Bench or the Shariat Appellate Bench to be repugnant to the Injunctions of Islam, the President in the case of a law within the legislative competence of Parliament, or the Governor in the case of a law within the legislative competence of a Provincial Assembly, shall take steps to amend the law so as to bring such law or provision into conformity with the Injunctions of Islam.

(5) A decision of a Shariat Bench and the Shariat Appellate Bench shall be expressed in terms of the opinion of the majority of its members.

7. Powers and procedure of Shariat Bench and Shariat Appellate Bench.—(1) For the purposes of the performance of its functions, a Shariat Bench and the Shariat Appellate Bench shall have the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely :—

- (a) summoning and enforcing the attendance of any person and examining him on oath ;
- (b) requiring the discovery and production of any document ;
- (c) receiving evidence on affidavits ; and
- (d) issuing commissions for the examination of witnesses or documents

(2) A Shariat Bench and the Shariat Appellate Bench shall—

- (a) be the final judge of its own jurisdiction ; and
- (b) have power to conduct its proceedings and regulate its procedure in all respects in accordance with rules made under Article 12 ; and the rules made by the High Court or, as the case may be, the Supreme Court to regulate the practice and procedure of that Court shall not apply to such proceedings.

(3) The public generally may have access to the place in which the proceedings of a Shariat Bench or the Shariat Appellate Bench are held :

Provided that a Shariat Bench or the Shariat Appellate Bench may, if it thinks fit because of the nature of any proceedings, for reasons to be recorded, order at any stage of the proceedings that the public shall not be admitted to the proceedings or any part thereof.

(4) A Shariat Bench and the Shariat Appellate Bench shall respectively have the powers of a High Court and the Supreme Court to punish its contempt.

(5) No legal practitioner as such shall be permitted to appear or ~~plead~~ before a Shariat Bench or the Shariat Appellate Bench, but a party to any proceedings before a Shariat Bench or the Shariat Appellate Bench may be represented by a jurisconsult selected by the party from out of a panel of jurisconsults maintained by the Shariat Bench or, as the case may be, Shariat Appellate Bench for the purpose.

(6) For being eligible to have his name borne on the panel of jurisconsults referred to in clause (5), a person shall be—

- (a) an *aalim* who, in the opinion of the Shariat Bench or, as the case may be, Shariat Appellate Bench is well-versed in Shariat ;
- (b) a Muslim who has been enrolled as an advocate of the Supreme Court, or
- (c) a Muslim who has been enrolled as an advocate of a High Court for a period of not less than five years,

and who has given to the Shariat Bench or, as the case may be, Shariat Appellate Bench the undertaking that he will render to the Shariat Bench or the Shariat Appellate Bench such assistance as may be required of him in connection with the performance of its functions.

(7) A jurisconsult representing a party before a Shariat Bench or the Shariat Appellate Bench shall not plead for the party but shall state, expound and interpret the Injunctions of Islam relevant to the proceedings so far as may be known to him ; and a statement so made shall be recorded by the Shariat Bench or, as the case may be, Shariat Appellate Bench as a deposition of a witness and shall form part of the proceedings.

(8) A Shariat Bench or, as the case may be, the Shariat Appellate Bench may invite any person in Pakistan or abroad whom the Bench considers to be well-versed in Islamic Law to appear before it and render such assistance as may be required of him.

(9) No court fee shall be payable in respect of any petition or application made to a Shariat Bench or the Shariat Appellate Bench.

8. Appeal to Shariat Appellate Bench.—(1) Any party to any proceedings before a Shariat Bench aggrieved by the final decision of the Shariat Bench in such proceedings may, within sixty days of such decision, prefer an appeal to the Shariat Appellate Bench.

(2) A decision of the Shariat Appellate Bench, including a decision as to its own jurisdiction, and, save as provided in clause (1), a decision of a Shariat Bench, including a decision as aforesaid, shall be final and shall not be called in question on any ground whatsoever before any court, including a High Court and the Supreme Court.

9. **Bar of jurisdiction.**—No court or tribunal, including a High Court and the Supreme Court, shall entertain any proceedings or exercise any power or jurisdiction in respect of any matter within the power or jurisdiction of a Shariat Bench or the Shariat Appellate Bench.

10. **Pending proceedings to continue.**—Nothing in this Order shall be deemed to require any proceedings pending in any court or tribunal immediately before the commencement of this Order, or initiated after such commencement, to be adjourned or stayed by reason only of a petition having been made to a Shariat Bench or the Shariat Appellate Bench for a decision as to whether or not a law or provision of law relevant to the decision of the point in issue in such proceedings is repugnant to the Injunctions of Islam; and all such proceedings shall continue, and the point in issue therein shall be decided, in accordance with the law for the time being in force.

11. **Administration arrangements, etc.**—The Provincial Government, in the case of a Shariat Bench, and the Federal Government, in the case of the Shariat Appellate Bench, shall make all such administrative arrangements, and make available to the Bench the services of such officers and experts, as it may consider necessary for the convenient performance of the functions of the Bench.

12. **Power to make rules.**—(1) The Chairman of the Shariat Appellate Bench, in consultation with the Chairmen of the Shariat Benches, may, by notification in the official Gazette and with the approval of the President, make rules for carrying out the purposes of this Order.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may make provision in respect of all or any of the following matters, namely:—

- (a) regulation of the practice and procedure of a Shariat Bench and the Shariat Appellate Bench;
- (b) the maintenance by a Shariat Bench and the Shariat Appellate Bench of a panel of *ulema* who may be invited by the Shariat Bench or, as the case may be, Shariat Appellate Bench to appear before it and render assistance to it in the performance of its functions and the qualifications of such *ulema*; and
- (c) the scale of payment of honoraria, travelling allowance and daily allowance to be paid to *ulema*, jurisconsults, experts and witnesses summoned by the Shariat Bench or the Shariat Appellate Bench.

GENERAL,
M. ZIA-UL-HAQ,
President.

RAWALPINDI :
The 2nd December, 1978.

K. M. A. SAMDANI,
Secretary.

The Gazette of Pakistan

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

ISLAMABAD, WEDNESDAY, DECEMBER 27, 1978

PART I

**Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations**

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 27th December, 1978

No. F. 24 (I)/78-Pub.—The following Ordinance made by the President on the 23rd December, 1978 is hereby published for general information :—

ORDINANCE No. XLV OF 1978

AN

ORDINANCE

further to amend the Agricultural Development Bank Ordinance, 1961

WHEREAS it is expedient further to amend the Agricultural Development Bank Ordinance, 1961 (IV of 1961), for the purposes hereinafter appearing ;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action ;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Agricultural Development Bank (Amendment) Ordinance, 1978.

(2) It shall come into force at once.

2. Amendment of section 2, Ordinance IV of 1961.—In the Agricultural Development Bank Ordinance, 1961, hereafter referred to as the said Ordinance, in section 2, in clause (b), after the word "sericulture" at the end the words and commas " and such other activity as the Federal Government may, by notification in the official Gazette, declare to be agriculture within the meaning of this clause " shall be added.

(297)

Price : Ps. 19

[2643 Ex. Gaz.]

3. **Amendment of section 7, Ordinance IV of 1961.**—In the said Ordinance, in section 7,—

- (a) in sub-section (1), for the word "Karachi" the word "Islamabad" shall be substituted; and
- (b) for sub-section (2) the following shall be substituted, namely:—

"(2) The Bank shall establish Regional Offices at the principal seat of each Provincial Government and may, with the approval of the Federal Government, establish Regional Offices at such other places as it may deem necessary."

4. **Amendment of section 17, Ordinance IV of 1961.**—In the said Ordinance, in section 17, for sub-section (2) the following shall be substituted, namely:—

"(2) Each Advisory Committee shall consist of the following members, namely:—

- (a) three officers serving under the Provincial Government concerned, to be nominated by that Government;
- (b) one member of the National Assembly and one member of the Senate, each with agricultural background, from the area covered by the Regional Office, to be nominated by the Federal Government;
- (c) one member of the Provincial Assembly, with agricultural background, from the area covered by the Regional Office, to be nominated by the Federal Government; and
- (d) the Regional Manager (by whatever name called), who will act as Secretary of the Committee."

5. **Amendment of section 19, Ordinance IV of 1961.**—In the said Ordinance, in section 19, in sub-section (1),—

- (a) in clause (d), for the provisos the following shall be substituted, namely:—

"Provided that, where a loan not exceeding two thousand and five hundred rupees in the aggregate is made to an individual agriculturist, or where a loan not exceeding four thousand and five hundred rupees in the aggregate is made to an agriculturist affected by a natural calamity, it may be secured by a bond with one or more sureties as the Bank may deem necessary, if such agriculturist makes an agreement with the Bank creating a charge on any of his specified property to secure the performance of the stipulations of the bond:

Provided further that, where a loan not exceeding two thousand and five hundred rupees in the aggregate is made to an individual agriculturist, or where a loan not exceeding four thousand and five hundred rupees in the aggregate is made to an agriculturist affected by a natural calamity, it may be secured by a bond with one or more sureties without making any agreement with the Bank as aforesaid."; and

- (b) in clause (e),—

- (i) after the word and comma "seeds," the word and comma "livestock," shall be inserted; and

- (ii) after the word "goods" at the end, the words "or livestock" shall be added; and
- (c) after clause (f), the following new clause (ff) shall be inserted, namely:—
 - "(ff) with the approval of the Federal Government, purchasing of shares of any body corporate sponsored by the government, or by the Bank, the object of which is to provide services to agriculturists."

6. **Amendment of section 22, Ordinance IV of 1961.**—In the said Ordinance, in section 22, in sub-section (1), in clause (c), for the word "purchase" the words, brackets, figures, letters and comma "save as provided in clause (ff) of sub-section (1) of section 19, purchase" shall be substituted.

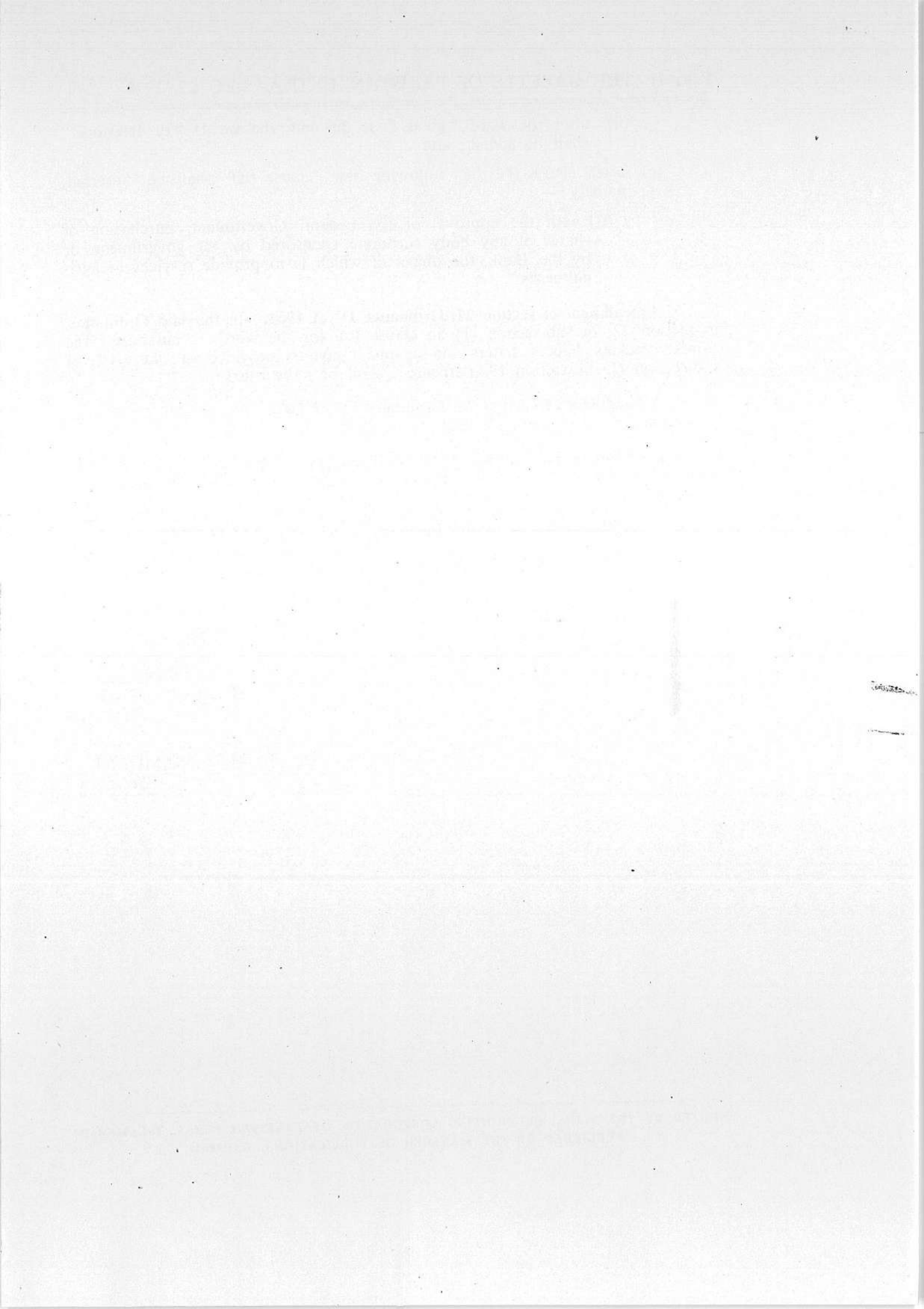
7. **Amendment of section 25, Ordinance IV of 1961.**—In the said Ordinance, in section 25, sub-section (3) shall be omitted.

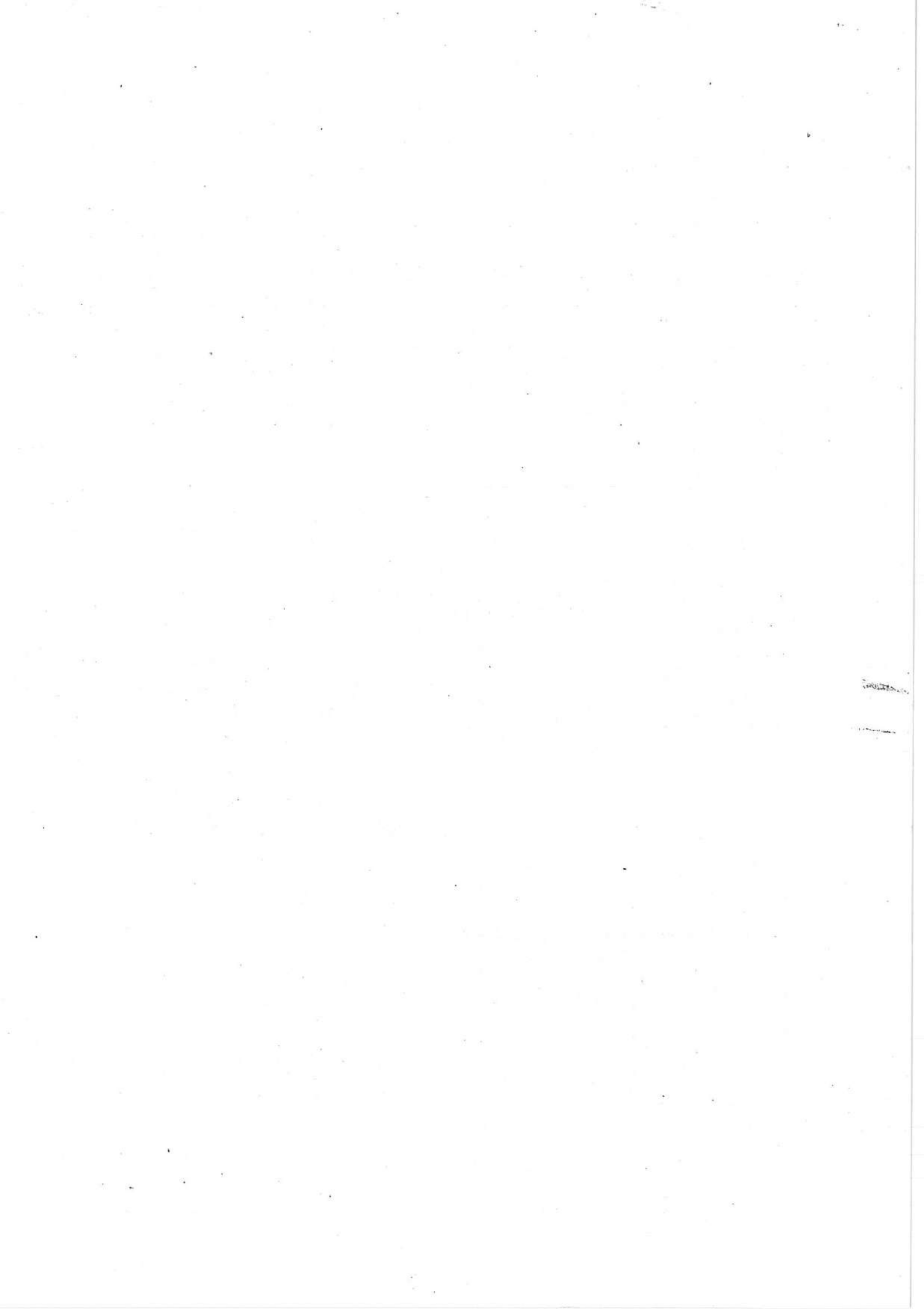
8. **Insertion of new section 27A, Ordinance IV of 1961.**—In the said Ordinance, after section 27, the following new section 27A shall be inserted, namely:—

"27A. *Exemption of the Bank from Certain Taxes.*—Notwithstanding anything contained in the Income-tax Act, 1922 (XI of 1922), the Business Profits Tax Act, 1947 (XXI of 1947), the Gift-tax Act, 1963 (XIV of 1963), the Wealth-tax Act, 1963 (XV of 1963), or any other law in force relating to income-tax, super-tax, wealth-tax, gift-tax or business profits tax, the Bank shall not be liable to pay any such tax on its income, profits, gains, wealth or gifts.

GENERAL,
M. ZIA-UL-HAQ,
President.

K. M. A. SAMDANI,
Secretary.





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